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2026 dsc 5

Building Safety (Wales) Act 2026

2026 asc 5

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Explanatory Notes have been produced to assist in the understanding of this Act and are available separately.

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Deddf Diogelwch Adeiladau (Cymru) 2026

Deddf gan Senedd Cymru i wneud darpariaeth sy'n ymwneud â diogelwch pobl mewn adeiladau neu o'u hamgylch sy'n cynnwys dwy neu ragor o unedau preswyl, a diogelwch pobl mewn tai amlfeddiannaeth penodol neu o'u hamgylch. [27 Ebrill 2026]

Gan ei fod wedi ei basio gan Senedd Cymru ac wedi derbyn cydsyniad Ei Fawrhydi, deddfir fel a ganlyn:

RHAN 1

DIOGELWCH ADEILADAU SY'N CYNNWYS DWY NEU RAGOR O UNEDAU PRESWYL

PENNOD 1

TROSOLWG

1 Trosolwg o Ran

(1) Mae'r adran hon yn rhoi trosolwg o'r Rhan hon.

(2) Mae'r Rhan hon yn gwneud darpariaeth mewn perthynas â diogelwch adeiladau sy'n cynnwys dwy neu ragor o unedau preswyl, y cyfeirir atynt fel "adeiladau rheoleiddiedig" ac sydd wedi eu rhannu'n 3 chategori. Mae'n gwneud hynny yn bennaf drwy osod dyletswyddau ar y personau atebol, neu'r prif berson atebol, ar gyfer adeilad rheoleiddiedig.

(3) Yn y Rhan hon—

(a) mae rhai dyletswyddau yn gymwys i bob adeilad rheoleiddiedig, mae rhai yn gymwys i adeiladau categori 1 ac adeiladau categori 2 yn unig, ac mae eraill yn gymwys i adeiladau categori 1 yn unig;

(b) mae rhai dyletswyddau yn gymwys ond pan fo adeilad rheoleiddiedig "wedi ei feddiannu" (sy'n golygu bod preswylwyr mwy nag un uned breswyl yn yr adeilad).

(4) Mae Pennod 2 yn nodi ystyron rhai termau allweddol a ddefnyddir yn y Ddeddf hon. Yn benodol, mae'n gwneud darpariaeth am—



Building Safety (Wales) Act 2026

An Act of Senedd Cymru to make provision relating to the safety of people in or about buildings containing two or more residential units and of people in or about certain houses in multiple occupation. [27 April 2026]

Having been passed by Senedd Cymru and having received the assent of His Majesty, it is enacted as follows:

PART 1

SAFETY OF BUILDINGS CONTAINING TWO OR MORE RESIDENTIAL UNITS

CHAPTER 1

OVERVIEW

1 Overview of Part

(1) This section gives an overview of this Part.

(2) This Part makes provision in relation to the safety of buildings containing two or more residential units, which are referred to as "regulated buildings" and divided into 3 categories. It does so mainly by placing duties on the accountable persons, or the principal accountable person, for a regulated building.

(3) In this Part—

(a) some duties apply to all regulated buildings, some apply only to category 1 buildings and category 2 buildings, and others apply only to category 1 buildings;

(b) some duties apply only when a regulated building is "occupied" (meaning that there are residents of more than one residential unit in the building).

(4) Chapter 2 sets out the meanings of some key terms used in this Act. In particular, it makes provision about—

(a) ystyr cyfeiriadau at adeiladau rheoleiddiedig, unedau preswyl a'r 3 chategori o adeiladau rheoleiddiedig;

(b) sut i adnabod person atebol, a'r prif berson atebol, ar gyfer adeilad rheoleiddiedig.

(5) Mae Pennod 3 yn darparu ar gyfer cofrestru adeiladau categori 1 ac adeiladau categori 2 gan awdurdodau diogelwch adeiladau.

(6) Mae Pennod 4 yn darparu ar gyfer asesu a rheoli risgiau diogelwch mewn perthynas ag adeiladau rheoleiddiedig a feddiennir. Mae'n gwneud hynny drwy—

(a) gosod dyletswyddau ar brif bersonau atebol i asesu risgiau diogelwch tân, ac ar bersonau atebol i reoli'r risgiau hynny, sy'n gymwys i bob adeilad rheoleiddiedig;

(b) gosod dyletswyddau ar bersonau atebol i asesu a rheoli risgiau diogelwch strwythurol, sy'n gymwys i adeiladau categori 1 ac adeiladau categori 2 yn unig.

(7) Mae Pennod 5 yn darparu ar gyfer dyletswyddau sy'n gymwys i adeiladau categori 1 a feddiennir yn unig ac sy'n cael eu gosod yn bennaf ar y prif bersonau atebol ar gyfer yr adeiladau hynny. Maent yn cynnwys dyletswyddau sy'n ymwneud â llunio adroddiadau, cofnodi ac adrodd ar faterion diogelwch adeiladau, a strategaethau ar gyfer cynnwys preswylwyr mewn penderfyniadau diogelwch adeiladau.

(8) Mae Pennod 6 yn galluogi Gweinidogion Cymru i wneud darpariaeth am strategaethau ar gyfer cynnwys preswylwyr adeiladau categori 2 a feddiennir mewn penderfyniadau diogelwch adeiladau.

(9) Mae Pennod 7 yn darparu ar gyfer dyletswyddau i bersonau atebol gadw a rhannu gwybodaeth sy'n ymwneud ag adeiladau rheoleiddiedig, ac i bersonau atebol ac awdurdodau diogelwch adeiladau ymdrin â chwynion sy'n ymwneud â materion diogelwch adeiladau. Mae'n gosod dyletswyddau, neu'n eu galluogi i gael eu gosod, mewn perthynas â'r holl adeiladau rheoleiddiedig.

(10) Mae Pennod 8 yn gosod dyletswyddau sy'n ymwneud â diogelwch tân ar breswylwyr sy'n oedolion a pherchnogion unedau preswyl mewn adeiladau rheoleiddiedig a feddiennir. Mae hefyd yn gosod dyletswyddau cyfatebol sy'n ymwneud â diogelwch strwythurol mewn adeiladau categori 1 ac adeiladau categori 2, a dyletswyddau i atgyweirio difrod i wrthiant tân unedau preswyl ym mhob adeilad rheoleiddiedig a feddiennir. Mae'n darparu ar gyfer gorfodi'r dyletswyddau gan bersonau atebol, ac ar gyfer mynediad i unedau preswyl er mwyn galluogi cydymffurfiaeth â'r Rhan hon.

(11) Mae Pennod 9 yn darparu i benderfyniadau penodol awdurdod diogelwch adeiladau fod yn ddarostyngedig i adolygiad gan yr awdurdod ac apêl i dribiwnlys eiddo preswyl.

(12) Mae Pennod 10 yn cynnwys darpariaethau atodol, gan gynnwys darpariaeth sy'n ei gwneud yn ofynnol i bersonau atebol gydweithredu a chydlynu â phersonau eraill, darpariaeth ynghylch adennill costau yr aed iddynt neu yr eir iddynt wrth gydymffurfio â'r Rhan hon, a darpariaeth i delerau sy'n ymwneud â chydymffurfio â dyletswyddau o dan y Ddeddf hon gael eu gosod ymhlyg mewn lesoedd penodol.

(13) Ceir darpariaeth bellach ar gyfer gorfodi dyletswyddau o dan y Ddeddf hon yn Rhan 3.

(a) the meaning of references to regulated buildings, residential units and the 3 categories of regulated building;

(b) how to identify an accountable person, and the principal accountable person, for a regulated building.

(5) Chapter 3 provides for the registration of category 1 buildings and category 2 buildings by building safety authorities.

(6) Chapter 4 provides for the assessment and management of safety risks in relation to occupied regulated buildings. It does so by—

(a) placing duties on principal accountable persons to assess fire safety risks, and on accountable persons to manage those risks, which apply to all regulated buildings;

(b) placing duties on accountable persons to assess and manage structural safety risks, which apply only to category 1 buildings and category 2 buildings.

(7) Chapter 5 provides for duties that apply only to occupied category 1 buildings and are imposed mainly on the principal accountable persons for those buildings. They include duties relating to the preparation of reports, the recording and reporting of building safety issues, and strategies for involving residents in building safety decisions.

(8) Chapter 6 enables the Welsh Ministers to make provision about strategies for involving residents of occupied category 2 buildings in building safety decisions.

(9) Chapter 7 provides for duties for accountable persons to keep and share information relating to regulated buildings, and for accountable persons and building safety authorities to deal with complaints relating to building safety issues. It imposes duties, or enables them to be imposed, in relation to all regulated buildings.

(10) Chapter 8 places duties relating to fire safety on adult residents and owners of residential units in occupied regulated buildings. It also imposes corresponding duties relating to structural safety in category 1 buildings and category 2 buildings, and duties to repair damage to the fire resistance of residential units in all occupied regulated buildings. It provides for enforcement of the duties by accountable persons, and for access to residential units to enable compliance with this Part.

(11) Chapter 9 provides for certain decisions of a building safety authority to be subject to review by the authority and appeal to a residential property tribunal.

(12) Chapter 10 contains supplementary provisions, including provision requiring accountable persons to co-operate and co-ordinate with other persons, provision about the recovery of costs incurred or to be incurred in complying with this Part, and provision for terms relating to compliance with duties under this Act to be implied into certain leases.

(13) Further provision for the enforcement of duties under this Act can be found in Part 3.

PENNOD 2

TERMAU ALLWEDDOL

Adeiladau rheoleiddiedig, unedau preswyl a chategorïau adeiladau

2 Ystyr "adeilad rheoleiddiedig"

(1) Yn y Ddeddf hon ystyr "adeilad rheoleiddiedig" yw adeilad sydd—

(a) yn cynnwys o leiaf 2 uned breswyl, a

(b) yn gyfan gwbl neu'n bennaf yng Nghymru.

(2) Ond nid yw ystyr "adeilad rheoleiddiedig" yn cynnwys adeilad o ddisgrifiad a nodir yn Atodlen 1.

(3) Yn y Bennod hon—

(a) mae adrannau 3 a 4 yn gwneud darpariaeth ynghylch ystyr "adeilad" at ddibenion yr adran hon;

(b) mae adran 5 yn gwneud darpariaeth ynghylch ystyr "uned breswyl";

(c) mae adran 6 yn rhannu adeiladau rheoleiddiedig yn 3 chategori;

(d) mae adran 7 yn darparu ar gyfer cynnwys ardaloedd atodol mewn cyfeiriadau at adeilad rheoleiddiedig neu at adeilad rheoleiddiedig o gategori penodol.

3 Ystyr "adeilad"

(1) Mae'r adran hon yn nodi ystyr "adeilad" at ddibenion adran 2.

(2) Yn achos strwythur nad yw ynghlwm wrth strwythur arall ("strwythur nad yw ynghlwm"), mae'r strwythur hwnnw'n adeilad.

(3) Yn achos strwythurau sydd ynghlwm wrth ei gilydd, mae'r strwythurau hynny ac unrhyw adeiladweithiau sy'n cysylltu'r strwythurau hynny (gyda'i gilydd yn "set o strwythurau") yn adeilad.

(4) Ond mae is-adrannau (2) a (3) yn ddarostyngedig i is-adran (5).

(5) Os yw strwythur nad yw ynghlwm neu set o strwythurau yn cynnwys unrhyw rannau annibynnol, mae pob rhan annibynnol yn adeilad (gweler adran 4).

(6) Yn yr adran hon ystyr "strwythur" yw adeiladwaith sydd iddo do a waliau (pa un a yw'r adeiladwaith yn cynnwys rhannau nad oes iddynt do neu waliau ai peidio).

4 Ystyr "rhan annibynnol"

(1) Mae rhan o strwythur nad yw ynghlwm neu set o strwythurau yn rhan annibynnol o'r strwythur neu'r set os—

(a) nad oes iddi fynediad i unrhyw ran arall o'r strwythur neu'r set, a

(b) yw'n ffurfio rhaniad fertigol o'r strwythur neu'r set (gweler hefyd is-adran (5) yn achos strwythur nad yw ynghlwm).

(2) Mae rhan o strwythur nad yw ynghlwm neu set o strwythurau yn ffurfio rhaniad fertigol o'r strwythur neu'r set os—

(a) yw'r strwythur neu'r set wedi ei rannu neu ei rhannu gan y rhan, a

CHAPTER 2

KEY TERMS

Regulated buildings, residential units and categories of building

2 Meaning of "regulated building"

(1) In this Act "regulated building" means a building that—

(a) contains at least 2 residential units, and

(b) is wholly or mainly in Wales.

(2) But the meaning of "regulated building" does not include a building of a description set out in Schedule 1.

(3) In this Chapter—

(a) sections 3 and 4 make provision about the meaning of "building" for the purposes of this section;

(b) section 5 makes provision about the meaning of "residential unit";

(c) section 6 divides regulated buildings into 3 categories;

(d) section 7 provides for ancillary areas to be included in references to a regulated building or to a regulated building of a particular category.

3 Meaning of "building"

(1) This section sets out the meaning of "building" for the purposes of section 2.

(2) In the case of a structure that is not attached to another structure (an "unattached structure"), that structure is a building.

(3) In the case of structures that are attached to each other, those structures and any constructions attaching them (together a "set of structures") are a building.

(4) But subsections (2) and (3) are subject to subsection (5).

(5) If an unattached structure or set of structures contains any independent parts, each independent part is a building (see section 4).

(6) In this section "structure" means a roofed construction with walls (whether or not the construction includes parts that do not have a roof or walls).

4 Meaning of "independent part"

(1) A part of an unattached structure or set of structures is an independent part of the structure or set if—

(a) it does not have access to any other part of the structure or set, and

(b) it constitutes a vertical division of the structure or set (see also subsection (5) in the case of an unattached structure).

(2) A part of an unattached structure or set of structures constitutes a vertical division of the structure or set if—

(a) the structure or set is divided by the part, and

(b) yw'r rhaniad ar hyd plân fertigol.

(3) Wrth benderfynu a yw rhan ("rhan A") o strwythur nad yw ynghlwm neu set o strwythurau yn ffurfio rhaniad fertigol o'r strwythur neu'r set, mae unrhyw ran arall o'r strwythur hwnnw neu'r set honno—

(a) sy'n rhan nad oes gan ran A fynediad iddi,

(b) sy'n rhan amhreswyl, ac

(c) a fyddai fel arall yn atal rhan A rhag ffurfio rhaniad fertigol o'r strwythur neu'r set,

i'w thrin fel pe na bai'n atal rhan A rhag ffurfio rhaniad fertigol o'r strwythur neu'r set.

(4) Mae rhan o strwythur nad yw ynghlwm neu set o strwythurau yn rhan amhreswyl os yw'n bodloni'r ddau amod a ganlyn—

(a) nid yw'n cynnwys uned breswyl na rhan o uned breswyl;

(b) nid yw'n cynnwys ardal, na rhan o ardal, a ddarperir at ddefnydd, er budd neu er mwynhad preswylwyr unedau preswyl yn y strwythur neu'r set.

(5) Yn achos rhan o strwythur nad yw ynghlwm—

(a) sydd yn bodloni'r maen prawf yn is-adran (1)(a), a

(b) a fyddai'n bodloni'r maen prawf yn is-adran (1)(b), oni bai na all y rhan rannu'r strwythur am y rheswm bod y rhan yn ffurfio lled cyfan y strwythur,

mae'r rhan yn rhan annibynnol.

(6) Caiff Gweinidogion Cymru drwy reoliadau ddarparu, mewn amgylchiadau a bennir yn y rheoliadau, fod rhan o strwythur nad yw ynghlwm neu set o strwythurau yn rhan annibynnol, er nad yw'r rhan yn bodloni'r meini prawf ar gyfer bod yn rhan annibynnol (fel y nodir yn yr adran hon).

(7) Yn yr adran hon, ystyr "mynediad" yw drws, porth bwaog neu agoriad tebyg ond nid yw'n cynnwys drws, porth bwaog nac agoriad tebyg a fwriedir at ddefnydd eithriadol (gan gynnwys defnydd brys) neu ei ddefnyddio at ddibenion cynnal a chadw.

5 Ystyr "uned breswyl"

(1) Mae'r adran hon yn nodi ystyr "uned breswyl" at ddibenion y Ddeddf hon.

(2) Mae uned breswyl yn—

(a) annedd;

(b) tŷ amlfeddiannaeth (ond gweler is-adran (3));

(c) uned llety byw nad yw'n annedd neu'n dŷ amlfeddiannaeth, ac nad yw wedi ei chynnwys mewn annedd neu dŷ amlfeddiannaeth.

(3) Pan fo tŷ amlfeddiannaeth sy'n bodloni'r prawf adeilad a droswyd yn adran 254 o Ddeddf 2004 yn cynnwys—

(a) un neu ragor o fflatiau hunan-gynhwysol (o fewn yr ystyr a roddir i "self-contained flat" gan yr adran honno), a

(b) the division is along a vertical plane.

(3) In deciding whether a part ("part A") of an unattached structure or set of structures constitutes a vertical division of the structure or set, any other part of the structure or set that—

(a) is a part to which part A does not have access,

(b) is a non-residential part, and

(c) would otherwise prevent part A from constituting a vertical division of the structure or set,

is to be treated as if it did not prevent part A from constituting a vertical division of the structure or set.

(4) A part of an unattached structure or set of structures is a non-residential part if it meets both of the following conditions—

(a) it does not contain a residential unit or part of a residential unit;

(b) it does not contain an area, or part of an area, provided for the use, benefit or enjoyment of residents of residential units in the structure or set.

(5) In the case of a part of an unattached structure that—

(a) meets the criterion in subsection (1)(a), and

(b) would meet the criterion in subsection (1)(b), were it not that the part cannot divide the structure for the reason that the part constitutes the whole width of the structure,

the part is an independent part.

(6) The Welsh Ministers may by regulations provide that, in circumstances specified in the regulations, a part of an unattached structure or set of structures is an independent part, despite the part not meeting the criteria for being an independent part (as set out in this section).

(7) In this section, "access" means a doorway, archway or similar opening but does not include a doorway, archway or similar opening intended for exceptional use (including emergency use) or use for the purposes of maintenance.

5 Meaning of "residential unit"

(1) This section sets out the meaning of "residential unit" for the purposes of this Act.

(2) A residential unit is—

(a) a dwelling;

(b) a house in multiple occupation (but see subsection (3));

(c) a unit of living accommodation that is not, and is not contained in, a dwelling or house in multiple occupation.

(3) Where a house in multiple occupation that meets the converted building test in section 254 of the 2004 Act contains—

(a) one or more self-contained flats (within the meaning given by that section), and

(b) un neu ragor o unedau llety byw eraill,

mae pob fflat hunan-gynhwysol yn uned breswyl ar wahân ac mae'r llety byw arall yn un uned breswyl.

(4) Yn yr adran hon—

(a) mae i "tŷ amlfeddiannaeth" yr ystyr a roddir i "house in multiple occupation" gan adrannau 254 i 259 o Ddeddf 2004, fel y mae'r adrannau hynny'n cael effaith at ddibenion Rhan 1 o'r Ddeddf honno (hynny yw, heb y gwaharddiadau a gynhwysir yn Atodlen 14 i'r Ddeddf honno), ond nid yw'n cynnwys bloc fflatiau a droswyd y mae adran 257 o'r Ddeddf honno yn gymwys iddo;

(b) mae cyfeiriadau at dŷ amlfeddiannaeth yn cynnwys llety tŷ amlfeddiannaeth heb ei feddiannu (o fewn yr ystyr a roddir i "unoccupied HMO accommodation" gan adran 1(5) o Ddeddf 2004).

(5) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth bellach at ddibenion yr adran hon.

(6) Caiff y rheoliadau, yn benodol—

(a) darparu nad yw ystyr uned breswyl yn cynnwys adeilad, neu ran o adeilad, o ddisgrifiad a bennir yn y rheoliadau (pa un ai drwy gyfeirio at sut y caiff ei defnyddio neu y bwriedir ei defnyddio, neu unrhyw fater arall);

(b) gwneud darpariaeth ynghylch ystyr "uned llety byw";

(c) gwneud darpariaeth ynghylch sut y mae unedau preswyl i'w cyfrif (a gaiff gynnwys darpariaeth, mewn amgylchiadau a bennir yn y rheoliadau—

(i) bod nifer penodol o anheddau, tai amlfeddiannaeth neu unedau llety byw i'w cyfrif fel nifer gwahanol o unedau preswyl;

(ii) bod is-adran (3) i fod yn gymwys yn ddarostyngedig i eithriadau neu addasiadau).

(7) Cyn gwneud rheoliadau o dan is-adran (5), rhaid i Weinidogion Cymru ymgynghori ag—

(a) pob awdurdod diogelwch adeiladau,

(b) pob awdurdod diogelwch tân, ac

(c) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

(8) Yn yr adran hon—

ystyr "annedd" ("*dwelling*") yw adeilad, neu ran o adeilad, a feddiennir fel annedd ar wahân, neu y bwriedir ei feddiannu neu ei meddiannu fel annedd ar wahân;

ystyr "Deddf 2004" ("*the 2004 Act*") yw Deddf Tai 2004 (p. 34).

6 Categorïau o adeilad rheoleiddiedig

(1) Rhennir adeiladau rheoleiddiedig yn 3 chategori at ddibenion y Ddeddf hon.

(2) Mae adeilad rheoleiddiedig yn adeilad categori 1—

(a) os yw o leiaf 18 o fetrau o uchder, neu

(b) bod iddo o leiaf 7 llawr.

(b) one or more other units of living accommodation,

each self-contained flat is a separate residential unit and the other living accommodation is one residential unit.

(4) In this section—

(a) "house in multiple occupation" has the meaning given by sections 254 to 259 of the 2004 Act, as those sections have effect for the purposes of Part 1 of that Act (that is, without the exclusions contained in Schedule 14 to that Act), but does not include a converted block of flats to which section 257 of that Act applies;

(b) references to a house in multiple occupation include unoccupied HMO accommodation (within the meaning given by section 1(5) of the 2004 Act).

(5) The Welsh Ministers may by regulations make further provision for the purposes of this section.

(6) The regulations may in particular—

(a) provide that the meaning of residential unit does not include a building, or part of a building, of a description specified in the regulations (whether by reference to how it is used or intended to be used, or any other matter);

(b) make provision about the meaning of "unit of living accommodation";

(c) make provision about how residential units are to be counted (which may include provision that in circumstances specified in the regulations—

(i) a given number of dwellings, houses in multiple occupation or units of living accommodation is to be counted as a different number of residential units;

(ii) subsection (3) is to apply subject to exceptions or modifications).

(7) Before making regulations under subsection (5), the Welsh Ministers must consult—

(a) each building safety authority,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

(8) In this section—

"the 2004 Act" ("*Deddf 2004*") means the Housing Act 2004 (c. 34);

"dwelling" ("*annedd*") means a building, or part of a building, that is occupied as a separate dwelling or intended to be occupied as a separate dwelling.

6 Categories of regulated building

(1) Regulated buildings are divided into 3 categories for the purposes of this Act.

(2) A regulated building is a category 1 building if it—

(a) is at least 18 metres in height, or

(b) has at least 7 storeys.

(3) Mae adeilad rheoleiddiedig yn adeilad categori 2—

(a) os yw'n llai na 18 o fetrau o uchder a bod iddo lai na 7 llawr, a

(b) os yw o leiaf 11 o fetrau o uchder neu bod iddo o leiaf 5 llawr.

(4) Mae adeilad rheoleiddiedig yn adeilad categori 3—

(a) os yw'n llai na 11 o fetrau o uchder, a

(b) os oes iddo lai na 5 llawr.

(5) At ddibenion yr adran hon—

(a) mae llawr mesanîn i'w ystyried fel llawr os yw ei arwynebedd llawr mewnol yn o leiaf hanner arwynebedd llawr mewnol y llawr mwyaf yn yr adeilad nad yw o dan lefel y ddaear;

(b) mae llawr o dan lefel y ddaear os yw'r cyfan o arwyneb gorffenedig nenfwd y llawr o dan lefel y ddaear;

(c) ystyr "lefel y ddaear" yw—

(i) pan fo lefel arwyneb y ddaear y lleolir yr adeilad arno yn unffurf, lefel arwyneb y ddaear yn union gyfagos i'r adeilad;

(ii) pan nad yw lefel arwyneb y ddaear y lleolir yr adeilad arno yn unffurf, lefel y rhan isaf o arwyneb y ddaear yn union gyfagos i'r adeilad.

(6) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth bellach at ddibenion yr adran hon.

(7) Caiff y rheoliadau, yn benodol—

(a) gwneud darpariaeth ynghylch sut y penderfynir ar uchder adeilad neu nifer lloriau adeilad rheoleiddiedig, a chaiff gynnwys ei gwneud yn ofynnol cymryd i ystyriaeth rannau o strwythur neu set o strwythurau y mae'r adeilad yn ffurfio rhan ohono neu ohoni;

(b) darparu bod adeilad rheoleiddiedig o ddisgrifiad a bennir yn y rheoliadau a fyddai fel arall yn dod o fewn categori a nodir yn yr adran hon yn dod o dan gategori gwahanol.

7 Cynnwys ardaloedd atodol mewn cyfeiriadau at adeiladau rheoleiddiedig

(1) Mae'r adran hon yn gwneud darpariaeth ynghylch ystyr cyfeiriadau yng ngweddill darpariaethau'r Ddeddf hon at adeilad rheoleiddiedig (gan gynnwys cyfeiriadau at adeilad categori 1, adeilad categori 2 neu adeilad categori 3).

(2) Mae cyfeiriad o'r fath yn gyfeiriad at yr adeilad ynghyd ag unrhyw ystafell, tŷ allan, garej, maes parcio, iard, gardd neu ardal arall ("ardal atodol") a ddarperir at ddefnydd, er budd neu er mwynhad preswylwyr yr adeilad.

(3) At ddibenion is-adran (2) darperir ardal atodol at ddefnydd, er budd neu er mwynhad preswylwyr adeilad—

(a) pa un ai y caiff ei ddefnyddio gan bersonau eraill, y caiff personau eraill fudd ohono neu y caiff personau eraill fwynhad ohono ai peidio;

(b) pa un ai y'i darperir at ddefnydd, er budd neu er mwynhad unigryw breswylwyr uned neu unedau preswyl penodol yn yr adeilad ai peidio.

(3) A regulated building is a category 2 building if it—

(a) is less than 18 metres in height and has fewer than 7 storeys, and

(b) is at least 11 metres in height or has at least 5 storeys.

(4) A regulated building is a category 3 building if it—

(a) is less than 11 metres in height, and

(b) has fewer than 5 storeys.

(5) For the purposes of this section—

(a) a mezzanine floor is to be regarded as a storey if its internal floor area is at least half of the internal floor area of the largest storey in the building that is not below ground level;

(b) a storey is below ground level if the whole of the finished surface of the ceiling of the storey is below ground level;

(c) "ground level" means—

(i) where the level of the surface of the ground on which the building is situated is uniform, the level of the surface of the ground immediately adjacent to the building;

(ii) where the level of the surface of the ground on which the building is situated is not uniform, the level of the lowest part of the surface of the ground immediately adjacent to the building.

(6) The Welsh Ministers may by regulations make further provision for the purposes of this section.

(7) The regulations may in particular—

(a) make provision about how the height or number of storeys of a regulated building is to be determined, which may include requiring that account be taken of parts of a structure or set of structures of which the building forms part;

(b) provide that a regulated building of a description specified in the regulations that would otherwise fall into a category set out in this section falls into a different category.

7 Inclusion of ancillary areas in references to regulated buildings

(1) This section makes provision about the meaning of references in the remaining provisions of this Act to a regulated building (including references to a category 1 building, a category 2 building or a category 3 building).

(2) Such a reference is a reference to the building together with any room, outbuilding, garage, car park, yard, garden or other area (an "ancillary area") that is provided for the use, benefit or enjoyment of residents of the building.

(3) For the purposes of subsection (2) an ancillary area is provided for the use, benefit or enjoyment of residents of a building whether or not—

(a) it may be used, benefited from or enjoyed by other persons;

(b) it is provided for the exclusive use, benefit or enjoyment of the residents of a particular residential unit or units in the building.

Personau atebol, prif bersonau atebol a rhannau cyffredin

8 Ystyr "person atebol"

(1) Mae'r adran hon yn nodi ystyr "person atebol" ar gyfer adeilad rheoleiddiedig at ddibenion y Ddeddf hon.

(2) Person atebol ar gyfer adeilad yw—

(a) person sy'n dal ystad gyfreithiol mewn meddiant yn rhannau cyffredin yr adeilad neu unrhyw ran ohonynt, oni bai bod is-adran (3) yn gymwys, neu

(b) person nad yw'n dal ystad gyfreithiol mewn unrhyw ran o'r adeilad ond sydd o dan rwymedigaeth atgyweirio berthnasol mewn perthynas â rhannau cyffredin yr adeilad neu unrhyw ran ohonynt.

Mae'r is-adran hon yn ddarostyngedig i is-adran (6) (rheol arbennig ar gyfer tir cyfunddaliad).

(3) Nid yw person ("perchennog ystad") sy'n dal ystad gyfreithiol mewn meddiant yn rhannau cyffredin adeilad neu unrhyw ran ohonynt ("y rhannau cyffredin perthnasol") yn berson atebol ar gyfer yr adeilad yn rhinwedd is-adran (2)(a) os—

(a) yw pob les hir y mae'r perchennog ystad yn landlord oddi tano yn darparu bod person penodol, nad yw'n dal ystad gyfreithiol mewn unrhyw ran o'r adeilad, o dan rwymedigaeth atgyweirio berthnasol mewn perthynas â'r holl rannau cyffredin perthnasol, neu

(b) yw'r holl rwymedigaethau atgyweirio sy'n ymwneud â'r rhannau cyffredin perthnasol a fyddai fel arall yn rhwymedigaethau'r perchennog ystad yn swyddogaethau cwmni RTM.

(4) Mae is-adran (5) yn gymwys os—

(a) yw tenant o dan les yn dal ystad gyfreithiol mewn meddiant yn rhannau cyffredin adeilad neu unrhyw ran ohonynt ("y rhannau cyffredin perthnasol"), a

(b) yw landlord o dan y les o dan rwymedigaeth atgyweirio berthnasol mewn perthynas ag unrhyw un neu ragor o'r rhannau cyffredin perthnasol.

(5) At ddibenion yr adran hon ac adran 9 (ystyr "prif berson atebol")—

(a) mae'r ystad gyfreithiol mewn meddiant mewn hynny o'r rhannau cyffredin perthnasol ag sydd o fewn is-adran (4)(b) i'w thrin fel pe bai'n cael ei dal gan y landlord (yn hytrach na'r tenant), a

(b) os (ac i'r graddau) y delir ystad gyfreithiol wirioneddol y landlord yn y rhannau cyffredin hynny o dan les, mae'r ystad gyfreithiol mewn meddiant a grybwyllir ym mharagraff (a) i'w thrin fel pe bai'n cael ei dal o dan y les honno (ac, yn unol â hynny, caiff is-adran (4) a'r is-adran hon fod yn gymwys mewn perthynas â hi).

(6) Os yw adeilad ar dir cyfunddaliad, y gymdeithas gyfunddaliad yw'r person atebol ar gyfer yr adeilad.

9 Ystyr "prif berson atebol"

(1) Mae'r adran hon yn nodi ystyr "prif berson atebol" ar gyfer adeilad rheoleiddiedig at ddibenion y Ddeddf hon.

Accountable persons, principal accountable persons and common parts

8 Meaning of "accountable person"

(1) This section sets out the meaning of "accountable person" for a regulated building for the purposes of this Act.

(2) An accountable person for a building is—

(a) a person who holds a legal estate in possession in the common parts of the building or any part of them, unless subsection (3) applies, or

(b) a person who does not hold a legal estate in any part of the building but who is under a relevant repairing obligation in relation to the common parts of the building or any part of them.

This subsection is subject to subsection (6) (special rule for commonhold land).

(3) A person ("the estate owner") who holds a legal estate in possession in the common parts of a building or any part of them ("the relevant common parts") is not an accountable person for the building by virtue of subsection (2)(a) if—

(a) each long lease under which the estate owner is landlord provides that a particular person, who does not hold a legal estate in any part of the building, is under a relevant repairing obligation in relation to all of the relevant common parts, or

(b) all repairing obligations relating to the relevant common parts which would otherwise be obligations of the estate owner are functions of an RTM company.

(4) Subsection (5) applies if—

(a) a tenant under a lease holds a legal estate in possession in the common parts of a building or any part of them ("the relevant common parts"), and

(b) a landlord under the lease is under a relevant repairing obligation in relation to any of the relevant common parts.

(5) For the purposes of this section and section 9 (meaning of "principal accountable person")—

(a) the legal estate in possession in so much of the relevant common parts as are within subsection (4)(b) is treated as held by the landlord (instead of the tenant), and

(b) if (and so far as) the landlord's actual legal estate in those common parts is held under a lease, the legal estate in possession mentioned in paragraph (a) is treated as held under that lease (and, accordingly, subsection (4) and this subsection may apply in relation to it).

(6) If a building is on commonhold land, the commonhold association is the accountable person for the building.

9 Meaning of "principal accountable person"

(1) This section sets out the meaning of "principal accountable person" for a regulated building for the purposes of this Act.

(2) Y "prif berson atebol" ar gyfer adeilad ag iddo un person atebol yw'r person atebol hwnnw.

(3) Y "prif berson atebol" ar gyfer adeilad ac iddo fwy nag un person atebol yw'r person atebol sydd—

(a) yn dal ystad gyfreithiol mewn meddiant yn strwythur allanol yr adeilad, neu

(b) o fewn adran 8(2)(b) oherwydd rhwymedigaeth atgyweirio berthnasol mewn perthynas â strwythur allanol yr adeilad.

(4) Yn is-adran (3) (ac adran 10(1)(b)), ystyr "strwythur allanol" adeilad yw ei sylfeini, ei waliau allanol a'i do, ac eithrio—

(a) unrhyw ran o'r sylfeini, y waliau allanol neu'r to sydd wedi ei chynnwys mewn demeis uned breswyl (gan gynnwys rhan o'r adeilad a fyddai'n uned breswyl oni bai am reoliadau a wneir o dan adran 5(6)(a));

(b) sylfeini, waliau allanol neu do unrhyw ran o'r adeilad sydd i'w meddiannu at ddibenion busnes neu ymgymeriad (pa un ai er elw ai peidio).

(5) Mae is-adran (3) yn ddarostyngedig i adrannau 10 a 11 (penderfyniad gan awdurdod diogelwch adeiladau neu dribiwnlys eiddo preswyl).

10 Prif berson atebol: penderfyniad gan awdurdod diogelwch adeiladau

(1) Mae is-adran (2) yn gymwys os—

(a) oes gan adeilad rheoleiddiedig fwy nag un person atebol sy'n dod o fewn adran 9(3), a

(b) yw personau atebol gwahanol yn dod o fewn adran 9(3) mewn cysylltiad â rhannau gwahanol o'r strwythur allanol.

(2) Caiff y personau a grybwyllir yn is-adran (1)(b) wneud cais ar y cyd i'r awdurdod diogelwch adeiladau ar gyfer yr adeilad am benderfyniad ynghylch pa un o'r personau yw'r prif berson atebol ar gyfer yr adeilad.

(3) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch—

(a) sut y mae rhaid gwneud cais o dan is-adran (2);

(b) ffurf a chynnwys cais;

(c) y dogfennau (os oes rhai) y mae rhaid eu cynnwys gyda chais;

(d) pryd y caniateir gwneud cais;

(e) tynnu ceisiadau yn ôl;

(f) penderfynu ar geisiadau (gan gynnwys amgylchiadau pan gaiff awdurdod benderfynu peidio â gwneud penderfyniad).

(4) Nid yw is-adran (2) yn gymwys os, o ran yr adeilad rheoleiddiedig, yw cais i dribiwnlys eiddo preswyl o dan adran 11(1)(b)—

(a) wedi ei benderfynu'n derfynol, neu

(b) wedi ei wneud ond heb ei benderfynu'n derfynol na'i dynnu'n ôl.

(2) The "principal accountable person" for a building with one accountable person is that accountable person.

(3) The "principal accountable person" for a building with more than one accountable person is the accountable person who—

(a) holds a legal estate in possession in the external structure of the building, or

(b) is within section 8(2)(b) because of a relevant repairing obligation in relation to the external structure of the building.

(4) In subsection (3) (and section 10(1)(b)), "the external structure" of a building means its foundations, external walls and roof except—

(a) any part of the foundations, external walls or roof included in a demise of a residential unit (including a part of the building that would be a residential unit but for regulations made under section 5(6)(a));

(b) the foundations, external walls or roof of any part of the building to be occupied for the purposes of a business or undertaking (whether for profit or not).

(5) Subsection (3) is subject to sections 10 and 11 (determination by building safety authority or residential property tribunal).

10 Principal accountable person: determination by building safety authority

(1) Subsection (2) applies if—

(a) a regulated building has more than one accountable person that falls within section 9(3), and

(b) different accountable persons fall within section 9(3) in respect of different parts of the external structure.

(2) The persons mentioned in subsection (1)(b) may jointly apply to the building safety authority for the building for a determination as to which one of the persons is the principal accountable person for the building.

(3) The Welsh Ministers may by regulations make provision about—

(a) how an application under subsection (2) must be made;

(b) the form and content of an application;

(c) the documents (if any) that must be included with an application;

(d) when an application may be made;

(e) the withdrawal of applications;

(f) the determination of applications (including circumstances in which an authority may decide not to make a determination).

(4) Subsection (2) does not apply if, as regards the regulated building, an application to a residential property tribunal under section 11(1)(b)—

(a) has been finally determined, or

(b) has been made but not finally determined or withdrawn.

11 Penderfyniadau gan dribiwnlys eiddo preswyl

(1) Caiff person a chanddo fuddiant wneud cais i dribiwnlys eiddo preswyl am benderfyniad, o ran adeilad rheoleiddiedig, o unrhyw un neu ragor o'r hyn a ganlyn—

(a) y person neu'r personau sy'n bersonau atebol ar gyfer yr adeilad;

(b) y person sy'n brif berson atebol ar gyfer yr adeilad;

(c) y rhan o'r adeilad y mae unrhyw berson atebol ar gyfer yr adeilad yn gyfrifol amdani (gweler adran 16).

(2) Os, ar gais o dan is-adran (1)(b), yw'n ymddangos i'r tribiwnlys fod mwy nag un person atebol o fewn adran 9(3), y prif berson atebol yw unrhyw un o'r personau atebol hynny y mae'r tribiwnlys yn ei ystyried yn briodol.

(3) Yn yr adran hon, ystyr "person a chanddo fuddiant" yw—

(a) awdurdod diogelwch adeiladau yr adeilad,

(b) person sy'n dal ystad gyfreithiol yn rhannau cyffredin yr adeilad neu unrhyw ran ohonynt (neu sy'n honni ei fod yn dal ystad o'r fath), neu

(c) person sydd o dan rwymedigaeth atgyweirio berthnasol mewn perthynas â rhannau cyffredin yr adeilad neu unrhyw ran ohonynt (neu sy'n honni ei fod o dan rwymedigaeth o'r fath).

(4) Caniateir i unrhyw berson wneud cais i dribiwnlys eiddo preswyl am benderfyniad, o ran adeilad rheoleiddiedig—

(a) nad yw'r person yn berson atebol ar gyfer yr adeilad, neu

(b) nad yw'r person yn brif berson atebol ar gyfer yr adeilad.

12 Cymhwyso adrannau 9 ac 11 mewn achosion o gydberchnogaeth etc.

(1) Mae is-adran (2) yn gymwys pan fo, mewn perthynas ag adeilad rheoleiddiedig—

(a) dau neu ragor o bersonau yn dod o fewn adran 8(2)(a) oherwydd eu bod yn dal ar y cyd ystad gyfreithiol mewn meddiant yn yr un rhan o rannau cyffredin yr adeilad (neu yn yr holl rannau cyffredin);

(b) dau neu ragor o bersonau yn dod o fewn adran 8(2)(b) oherwydd—

(i) eu bod yn ddarostyngedig ar y cyd i ofyniad o dan les i atgyweirio neu gynnal a chadw yr un rhan o rannau cyffredin yr adeilad (neu'r holl rannau cyffredin), neu

(ii) eu bod yn ddarostyngedig ar y cyd i ofyniad yn rhinwedd deddfiad i atgyweirio neu gynnal a chadw yr un rhan o rannau cyffredin yr adeilad (neu'r holl rannau cyffredin).

(2) Mae personau sy'n dod o fewn is-adran (1)(a) neu (1)(b)(i) neu (1)(b)(ii) i'w trin fel un person atebol at ddibenion—

(a) adran 9(2) a (3) (ystyr prif berson atebol);

(b) penderfyniad o dan adran 11(1)(c) (rhan o'r adeilad y mae unrhyw berson atebol yn gyfrifol amdani).

11 Determinations by residential property tribunal

(1) An interested person may apply to a residential property tribunal for a determination, as regards a regulated building, of any of the following—

(a) the person or persons who are accountable persons for the building;

(b) the person who is the principal accountable person for the building;

(c) the part of the building for which any accountable person for the building is responsible (see section 16).

(2) If, on an application under subsection (1)(b), it appears to the tribunal that there is more than one accountable person within section 9(3), the principal accountable person is such one of those accountable persons as the tribunal considers appropriate.

(3) In this section "interested person" means—

(a) the building safety authority for the building,

(b) a person who holds a legal estate in the common parts of the building or any part of them (or who claims to hold such an estate), or

(c) a person who is under a relevant repairing obligation in relation to the common parts of the building or any part of them (or who claims to be under such an obligation).

(4) Any person may apply to a residential property tribunal for a determination, as regards a regulated building, that—

(a) the person is not an accountable person for the building, or

(b) the person is not the principal accountable person for the building.

12 Application of sections 9 and 11 in cases of joint ownership etc.

(1) Subsection (2) applies where, in relation to a regulated building—

(a) two or more persons fall within section 8(2)(a) because they jointly hold a legal estate in possession in the same part of the common parts of the building (or all of the common parts);

(b) two or more persons fall within section 8(2)(b) because—

(i) they are jointly subject to a requirement under a lease to repair or maintain the same part of the common parts of the building (or all of the common parts), or

(ii) they are jointly subject to a requirement by virtue of an enactment to repair or maintain the same part of the common parts of the building (or all of the common parts).

(2) Persons that fall within subsection (1)(a) or (1)(b)(i) or (1)(b)(ii) are to be treated as one accountable person for the purposes of—

(a) section 9(2) and (3) (meaning of principal accountable person);

(b) a determination under section 11(1)(c) (part of the building for which any accountable person is responsible).

13 Ystyr "rhannau cyffredin"

(1) Mae'r adran hon yn nodi ystyr "rhannau cyffredin" mewn perthynas ag adeilad rheoleiddiedig at ddibenion y Ddeddf hon.

(2) Ystyr "rhannau cyffredin" yw—

(a) strwythur a thu allan yr adeilad ac eithrio—

(i) unrhyw ran o'r strwythur a thu allan sydd wedi eu cynnwys mewn demeis uned breswyl (gan gynnwys rhan o'r adeilad a fyddai'n uned breswyl oni bai am reoliadau a wneir o dan adran 5(6)(a));

(ii) strwythur a thu allan unrhyw ran o'r adeilad sydd i'w feddiannu at ddibenion busnes neu ymgymeriad (pa un ai er elw ai peidio);

(b) unrhyw ran arall o'r adeilad—

(i) nad yw'n rhan o strwythur a thu allan i'r adeilad, a

(ii) sy'n cael ei darparu at ddefnydd, er budd neu er mwynhad preswylwyr mwy nag un uned breswyl (pa un ai y caiff ei defnyddio gan bersonau eraill, y caiff personau eraill fudd ohoni neu y caiff personau eraill fwynhad ohoni ai peidio).

(3) Caiff Gweinidogion Cymru drwy reoliadau ddarparu bod, o dan amgylchiadau penodedig, ran o strwythur a thu allan i adeilad yn ffurfio rhan o rannau cyffredin yr adeilad er ei bod yn dod o fewn is-adran (2)(a)(i).

(4) Yn yr adran hon, mae "strwythur a thu allan" adeilad yn cynnwys—

(a) sylfeini, waliau allanol, cladin a tho,

(b) waliau mewnol (pa un ai a ydynt yn cynnal pwysau ai peidio), lloriau a nenfydau,

(c) grisiau, rhodfeydd a siafftiau lifft,

(d) ffenestri, drysau a balconïau, ac

(e) unrhyw beth arall a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.

14 Diffiniadau eraill

(1) Yn y Bennod hon—

mae i "cwmni RTM" yr un ystyr ag a roddir i "RTM company" ym Mhennod 1 o Ran 2 o Ddeddf 2002 (hawl i reoli);

mae i "cymdeithas cyfunddaliad" yr ystyr a roddir i "commonhold association" gan adran 34 o Ddeddf 2002;

ystyr "Deddf 2002" ("*the 2002 Act*") yw Deddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 (p. 15);

13 Meaning of "common parts"

(1) This section sets out the meaning of "common parts" in relation to a regulated building for the purposes of this Act.

(2) "Common parts" means—

(a) the structure and exterior of the building except—

(i) any part of the structure and exterior included in a demise of a residential unit (including a part of the building that would be a residential unit but for regulations made under section 5(6)(a));

(ii) the structure and exterior of any part of the building to be occupied for the purposes of a business or undertaking (whether for profit or not);

(b) any other part of the building that—

(i) is not a part of the structure and exterior of the building, and

(ii) is provided for the use, benefit or enjoyment of the residents of more than one residential unit (whether or not it may be used, benefited from or enjoyed by other persons).

(3) The Welsh Ministers may by regulations provide that, in specified circumstances, a part of the structure and exterior of a building forms part of the common parts of the building despite falling within subsection (2)(a)(i).

(4) In this section, the "structure and exterior" of a building includes—

(a) foundations, external walls, cladding and roof,

(b) internal walls (whether load bearing or not), floors and ceilings,

(c) staircases, walkways and lift shafts,

(d) windows, doors and balconies, and

(e) any other thing specified in regulations made by the Welsh Ministers.

14 Other definitions

(1) In this Chapter—

"the 2002 Act" ("*Deddf 2002*") means the Commonhold and Leasehold Reform Act 2002 (c. 15);

"commonhold association" ("*cymdeithas cyfunddaliad*") has the meaning given by section 34 of the 2002 Act;

"commonhold land" ("*tir cyfunddaliad*") has the meaning given by section 1 of the 2002 Act;

ystyr "les hir" ("*long lease*") yw—

(a) les a roddir am gyfnod penodol o fwy na 21 o flynyddoedd o'r dyddiad y rhoddir y les, pa un ai ei bod (neu a all ddod) yn derfynadwy ai peidio cyn diwedd y cyfnod hwnnw drwy hysbysiad a roddir gan y tenant neu drwy ailfynediad neu fforffediad, neu

(b) les am gyfnod sydd wedi ei bennu gan y gyfraith oherwydd cyfamod neu rwymedigaeth i'w hadnewyddu'n barhaus, ac eithrio les drwy is-les o dan un nad yw'n les hir;

ystyr "rhwymedigaeth atgyweirio berthnasol" ("*relevant repairing obligation*") mewn perthynas â rhan o adeilad rheoleiddiedig yw gofyniad, o dan les neu yn rhinwedd deddfiad, i atgyweirio neu gynnal a chadw y rhan honno;

mae i "tir cyfunddaliad" yr ystyr a roddir i "commonhold land" gan adran 1 o Ddeddf 2002.

(2) Yn y Bennod hon, nid yw cyfeiriadau at berson sy'n dal ystad gyfreithiol mewn meddiant yn cynnwys person sy'n cael rhenti ac elw neu berson a chanddo'r hawl i gael rhenti ac elw.

15 Pŵer i wneud darpariaeth bellach at ddibenion adrannau 8 a 9

(1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth bellach at ddibenion adrannau 8 a 9.

(2) Caiff y rheoliadau, yn benodol, wneud darpariaeth ynghylch—

(a) ystyr "person atebol" ar gyfer adeilad rheoleiddiedig—

(i) nad yw ar dir cyfunddaliad, a

(ii) nad oes iddo rannau cyffredin, neu nad oes iddo rannau cyffredin o ddisgrifiad a bennir yn y rheoliadau;

(b) ystyr "prif berson atebol" ar gyfer adeilad rheoleiddiedig—

(i) nad oes iddo rannau cyffredin, neu rannau cyffredin o ddisgrifiad a bennir yn y rheoliadau, neu

(ii) nad oes unrhyw berson atebol yn dod o fewn adran 9(3) ar gyfer yr adeilad.

Cyfrifoldeb personau atebol ar gyfer rhannau o adeiladau rheoleiddiedig

16 Rhan o adeilad rheoleiddiedig y mae person atebol yn gyfrifol amdani

(1) Yn y Ddeddf hon, mae i gyfeiriadau at y rhan o adeilad rheoleiddiedig y mae person atebol yn gyfrifol amdani yr ystyr a roddir gan reoliadau a wneir gan Weinidogion Cymru.

(2) Caiff y rheoliadau ddarparu mai'r rhan o adeilad rheoleiddiedig y mae person atebol yn gyfrifol amdani yw'r adeilad cyfan.

Cyffredinol

17 Pwerau i ddiwygio'r Bennod hon

(1) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio—

"long lease" ("*les hir*") means—

(a) 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 the tenant or by re-entry or forfeiture, or

(b) a lease for a term fixed by law because of a covenant or obligation for perpetual renewal, other than a lease by sub-demise from one which is not a long lease;

"relevant repairing obligation" ("*rhwymedigaeth atgyweirio berthnasol*") in relation to a part of a regulated building means a requirement, under a lease or by virtue of an enactment, to repair or maintain that part;

"RTM company" ("*cwmni RTM*") has the same meaning as in Chapter 1 of Part 2 of the 2002 Act (right to manage).

(2) In this Chapter, references to a person who holds a legal estate in possession do not include a person who receives rents and profits or a person who has the right to receive rents and profits.

15 Power to make further provision for the purposes of sections 8 and 9

(1) The Welsh Ministers may by regulations make further provision for the purposes of sections 8 and 9.

(2) The regulations may in particular make provision about—

(a) the meaning of "accountable person" for a regulated building—

(i) that is not on commonhold land, and

(ii) which has no common parts, or no common parts of a description specified in the regulations;

(b) the meaning of "principal accountable person" for a regulated building—

(i) which has no common parts, or no common parts of a description specified in the regulations, or

(ii) for which no accountable person falls within section 9(3).

Responsibility of accountable persons for parts of regulated buildings

16 Part of regulated building for which accountable person is responsible

(1) In this Act, references to the part of a regulated building for which an accountable person is responsible have the meaning given by regulations made by the Welsh Ministers.

(2) The regulations may provide that the part of a regulated building for which an accountable person is responsible is the whole of the building.

General

17 Powers to amend this Chapter

(1) The Welsh Ministers may by regulations amend—

(a) adran 2 i ddarparu bod, mewn amgylchiadau penodol, adeilad sy'n gyfan gwbl neu'n bennaf yng Nghymru yn adeilad rheoleiddiedig, er bod yr adeilad yn cynnwys ond un uned breswyl;

(b) Atodlen 1 i ychwanegu, dileu neu ddiwygio disgrifiad o adeilad;

(c) adran 3 i ddarparu bod ystyr "adeilad" yn cynnwys strwythurau neu godiadau eraill (dros dro neu barhaol), neu rannau ohonynt, naill ai'n gyffredinol neu mewn amgylchiadau penodol;

(d) adran 4;

(e) adran 6 i—

(i) ychwanegu, dileu neu ddiwygio categori adeilad;

(ii) diwygio ystyr "llawr";

(f) adran 7;

(g) adran 8;

(h) adran 9;

(i) adran 13;

(j) adran 14.

(2) Cyn gwneud rheoliadau o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori ag—

(a) pob cyngor sir a chyngor bwrdeistref sirol yng Nghymru,

(b) pob awdurdod diogelwch tân, ac

(c) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

PENNOD 3

COFRESTRU ADEILADAU CATEGORI 1 AC ADEILADAU CATEGORI 2

Cofrestrau

18 Cofrestrau o adeiladau categori 1 ac adeiladau categori 2

(1) Rhaid i awdurdod diogelwch adeiladau gadw cofrestr o adeiladau categori 1 ac adeiladau categori 2 y mae'n awdurdod diogelwch adeiladau ar eu cyfer.

(2) Rhaid i gofnod ar gyfer adeilad categori 1 neu adeilad categori 2 mewn cofrestr gynnwys—

(a) cyfeiriad yr adeilad;

(b) categori yr adeilad o dan adran 6;

(c) uchder yr adeilad at ddibenion yr adran honno;

(d) nifer y lloriau yn yr adeilad at ddibenion yr adran honno;

(e) enw'r prif berson atebol ar gyfer yr adeilad (gweler adran 9);

(f) cyfeiriad yn y Deyrnas Unedig lle caiff awdurdod gorfodi roi hysbysiadau a dogfennau eraill i'r prif berson atebol o dan y Ddeddf hon a rheoliadau a wneir oddi tani;

(g) rhif ffôn (os oes un) a chyfeiriad e-bost (os oes un) y prif berson atebol;

(a) section 2 to provide that in certain circumstances a building wholly or mainly in Wales is a regulated building, despite the building containing only one residential unit;

(b) Schedule 1 to add, remove or amend a description of building;

(c) section 3 to provide that the meaning of "building" includes other structures or erections (temporary or permanent), or parts of them, either generally or in certain circumstances;

(d) section 4;

(e) section 6 to—

(i) add, remove or amend a category of building;

(ii) amend the meaning of "storey";

(f) section 7;

(g) section 8;

(h) section 9;

(i) section 13;

(j) section 14.

(2) Before making regulations under this section, the Welsh Ministers must consult—

(a) each county council and county borough council in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

CHAPTER 3

REGISTRATION OF CATEGORY 1 BUILDINGS AND CATEGORY 2 BUILDINGS

Registers

18 Registers of category 1 buildings and category 2 buildings

(1) A building safety authority must keep a register of category 1 buildings and category 2 buildings for which it is the building safety authority.

(2) An entry for a category 1 building or a category 2 building in a register must include—

(a) the address of the building;

(b) the category of the building under section 6;

(c) the height of the building for the purposes of that section;

(d) the number of storeys in the building for the purposes of that section;

(e) the name of the principal accountable person for the building (see section 9);

(f) an address in the United Kingdom at which an enforcing authority may give notices and other documents to the principal accountable person under this Act and regulations made under it;

(g) the telephone number (if any) and email address (if any) of the principal accountable person;

(h) unrhyw wybodaeth arall, ac unrhyw ddogfennau, a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.

(3) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch cyhoeddi gan awdurdod diogelwch adeiladau ei gofrestr neu wybodaeth neu ddogfennau sydd wedi eu cynnwys yn ei gofrestr.

Gofyniad i gofrestru a'r weithdrefn gofrestru

19 Gofyniad i gofrestru adeiladau categori 1 ac adeiladau categori 2

(1) Mae'r prif berson atebol ar gyfer adeilad categori 1 neu adeilad categori 2 yn cyflawni trosedd os yw'r adeilad wedi ei feddiannu ond heb ei gofrestru.

(2) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored—

(a) ar euogfarn ddiannod, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na'r terfyn cymwys o dan adran 224(1A)(b) o'r Cod Dedfrydu, neu'r ddau;

(b) ar euogfarn ar dditiad, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na 2 flynedd, neu'r ddau.

(3) Mae person sydd wedi ei euogfarnu o drosedd o dan is-adran (1) yn cyflawni trosedd bellach os yw'r adeilad yn parhau i gael ei feddiannu ond heb ei gofrestru ar ôl yr euogfarn.

(4) Mae person sy'n euog o drosedd o dan is-adran (3) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 1 ar y raddfa safonol ar gyfer pob diwrnod y mae'r adeilad yn parhau i gael ei feddiannu ond heb ei gofrestru.

(5) Mae'n amddiffyniad i berson a gyhuddir o drosedd o dan yr adran hon brofi bod gan y person esgus rhesymol dros y ffaith bod yr adeilad wedi ei feddiannu ond heb ei gofrestru.

20 Gweithdrefn gofrestru

(1) Rhaid i'r awdurdod diogelwch adeiladau ar gyfer adeilad categori 1 neu adeilad categori 2 gofrestru'r adeilad os yw'r prif berson atebol ar gyfer yr adeilad wedi—

(a) gwneud cais i gofrestru'r adeilad sy'n cydymffurfio â rheoliadau a wneir o dan is-adran (3), a

(b) talu'r ffi (os oes un) sy'n ofynnol gan reoliadau a wneir o dan adran 125.

(2) Ni chaiff yr awdurdod diogelwch adeiladau gofrestru'r adeilad os nad yw'r prif berson atebol wedi talu'r ffi (os oes un) sy'n ofynnol gan reoliadau a wneir o dan adran 125.

(3) Rhaid i Weinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch—

(a) sut y mae rhaid gwneud cais i gofrestru'r adeilad;

(b) ffurf a chynnwys cais.

(4) Caiff rheoliadau o dan is-adran (3) wneud darpariaeth ynghylch y dogfennau (os oes rhai) y mae rhaid eu cynnwys gyda chais.

(5) Os yw'r awdurdod diogelwch adeiladau yn cofrestru'r adeilad, rhaid iddo roi hysbysiad i'r prif berson atebol sy'n cadarnhau bod yr adeilad wedi ei gofrestru.

(6) Rhaid i'r hysbysiad gynnwys—

(a) dyddiad y cofrestriad,

(h) any other information, and any documents, specified in regulations made by the Welsh Ministers.

(3) The Welsh Ministers may by regulations make provision about the publication by a building safety authority of its register or of information or documents included in its register.

Requirement to register and registration procedure

19 Requirement to register category 1 buildings and category 2 buildings

(1) The principal accountable person for a category 1 building or a category 2 building commits an offence if the building is occupied but not registered.

(2) A person guilty of an offence under subsection (1) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(3) A person who has been convicted of an offence under subsection (1) commits a further offence if the building continues to be occupied but not registered after the conviction.

(4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 1 on the standard scale for each day on which the building continues to be occupied but not registered.

(5) It is a defence for a person charged with an offence under this section to prove that the person had a reasonable excuse for the building being occupied but not registered.

20 Registration procedure

(1) The building safety authority for a category 1 building or a category 2 building must register the building if the principal accountable person for the building has—

(a) made an application to register the building that complies with regulations made under subsection (3), and

(b) paid the fee (if any) required by regulations made under section 125.

(2) The building safety authority must not register the building if the principal accountable person has not paid the fee (if any) required by regulations made under section 125.

(3) The Welsh Ministers must by regulations make provision about—

(a) how an application to register the building must be made;

(b) the form and content of an application.

(4) Regulations under subsection (3) may make provision about the documents (if any) that must be included with an application.

(5) If the building safety authority registers the building, it must give the principal accountable person a notice confirming that the building is registered.

(6) The notice must include—

(a) the date of registration,

(b) y rhif cofrestru a roddir i'r adeilad,

(c) categori yr adeilad (gweler adran 6) a gwybodaeth am yr hawl i gael adolygiad o dan adran 64, a

(d) gwybodaeth am sut y caiff y prif berson atebol gopi o'r cofnod yn y gofrestr ar gyfer yr adeilad.

(7) Os nad yw'r awdurdod diogelwch adeiladau yn cofrestru'r adeilad, rhaid iddo roi hysbysiad i'r prif berson atebol sy'n cadarnhau nad yw'r adeilad wedi ei gofrestru.

(8) Rhaid i'r hysbysiad gynnwys—

(a) y rhesymau pam nad yw'r adeilad wedi ei gofrestru, a

(b) gwybodaeth am yr hawl i gael adolygiad o dan adran 64.

(9) Rhaid i'r awdurdod diogelwch adeiladau roi hysbysiad o dan is-adran (5) neu (7) cyn diwedd 21 o ddiwrnodau sy'n dechrau â'r diwrnod drannoeth y diwrnod y daw'r cais i gofrestru i law'r awdurdod.

Hysbysu am newidiadau a diwygiadau i gofrestr

21 Dyletswydd i hysbysu am newidiadau

(1) Rhaid i'r prif berson atebol ar gyfer adeilad categori 1 cofrestredig neu adeilad categori 2 cofrestredig hysbysu'n ysgrifenedig awdurdod diogelwch adeiladau yr adeilad am—

(a) newid i unrhyw wybodaeth sydd wedi ei chynnwys yn y gofrestr o dan adran 18(2)(a) ac (c) i (g);

(b) unrhyw newid arall a bennir mewn rheoliadau a wneir gan Weinidogion Cymru,

cyn diwedd 14 o ddiwrnodau sy'n dechrau â'r diwrnod cyntaf y mae'r prif berson atebol yn gwybod, neu y dylai'n rhesymol wybod, am y newid.

(2) Mae person sy'n methu â chydymffurfio ag is-adran (1) heb esgus rhesymol yn cyflawni trosedd.

(3) Mae person sy'n euog o drosedd o dan is-adran (2) yn agored—

(a) ar euogfarn ddiannod, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na'r terfyn cymwys o dan adran 224(1A)(b) o'r Cod Dedfrydu, neu'r ddau;

(b) ar euogfarn ar dditiad, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na 2 flynedd, neu'r ddau.

(4) Mae person sydd wedi ei euogfarnu o drosedd o dan is-adran (2) yn cyflawni trosedd bellach os yw'r person yn parhau i fethu â chydymffurfio ag is-adran (1) ar ôl yr euogfarn.

(5) Mae person sy'n euog o drosedd o dan is-adran (4) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 1 ar y raddfa safonol ar gyfer pob diwrnod y mae'r methiant yn parhau.

22 Diwygio cofrestr yn dilyn hysbysiad am newid

(1) Mae'r adran hon yn gymwys os yw'r prif berson atebol ar gyfer adeilad categori 1 cofrestredig neu adeilad categori 2 cofrestredig yn hysbysu awdurdod diogelwch adeiladau yr adeilad am newid o dan adran 21(1).

(b) the registration number given to the building,

(c) the category of the building (see section 6) and information about the right of review under section 64, and

(d) information about how the principal accountable person may obtain a copy of the entry in the register for the building.

(7) If the building safety authority does not register the building, it must give the principal accountable person a notice confirming that the building is not registered.

(8) The notice must include—

(a) the reasons for the building not being registered, and

(b) information about the right of review under section 64.

(9) The building safety authority must give a notice under subsection (5) or (7) before the end of 21 days beginning with the day after the day on which the application to register is received by the authority.

Notification of changes and revision of register

21 Duty to notify changes

(1) The principal accountable person for a registered category 1 building or a registered category 2 building must notify the building safety authority for the building in writing of—

(a) a change to any information included in the register under section 18(2)(a) and (c) to (g);

(b) any other change specified in regulations made by the Welsh Ministers,

before the end of 14 days beginning with the first day on which the principal accountable person knows, or ought reasonably to know, of the change.

(2) A person who fails without reasonable excuse to comply with subsection (1) commits an offence.

(3) A person guilty of an offence under subsection (2) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(4) A person who has been convicted of an offence under subsection (2) commits a further offence if the person continues to fail to comply with subsection (1) after the conviction.

(5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 1 on the standard scale for each day on which the failure continues.

22 Revision of register following notification of change

(1) This section applies if the principal accountable person for a registered category 1 building or a registered category 2 building notifies the building safety authority for the building of a change under section 21(1).

(2) Rhaid i'r awdurdod benderfynu a ddylid diwygio'r cofnod ar gyfer yr adeilad yn ei gofrestr.

(3) Rhaid i'r awdurdod roi hysbysiad i'r prif berson atebol o'i benderfyniad cyn diwedd 21 o ddiwrnodau sy'n dechrau â'r diwrnod drannoeth y diwrnod yr hysbysir yr awdurdod am y newid o dan adran 21(1).

(4) Os yw'r awdurdod yn penderfynu diwygio'r cofnod ar gyfer yr adeilad yn y gofrestr, rhaid i'r hysbysiad nodi'r diwygiad a wnaed.

(5) Os yw'r awdurdod yn penderfynu peidio â diwygio'r cofnod ar gyfer yr adeilad yn y gofrestr, rhaid i'r hysbysiad gynnwys gwybodaeth am yr hawl i gael adolygiad o dan adran 64.

23 Diwygio cofrestr heb hysbysiad

(1) Mae'r adran hon yn gymwys pan fo awdurdod diogelwch adeiladau yn dod yn ymwybodol, ac eithrio drwy gael hysbysiad o dan adran 21(1), fod gwybodaeth neu ddogfen sydd wedi eu cynnwys mewn cofnod ar gyfer adeilad categori 1 neu adeilad categori 2 yn ei gofrestr yn anghywir.

(2) Rhaid i'r awdurdod benderfynu a ddylid diwygio'r cofnod ar gyfer yr adeilad yn y gofrestr.

(3) Os yw'r awdurdod yn penderfynu diwygio'r cofnod, rhaid iddo roi hysbysiad i'r prif berson atebol ar gyfer yr adeilad o'i benderfyniad cyn diwedd 21 o ddiwrnodau sy'n dechrau â'r diwrnod drannoeth y diwrnod y daw'n ymwybodol o'r anghywirdeb.

(4) Rhaid i'r hysbysiad—

(a) nodi'r diwygiad a wnaed,

(b) cynnwys y dyddiad y mae'r diwygiad yn cymryd effaith, ac

(c) cynnwys gwybodaeth am yr hawl i gael adolygiad o dan adran 64.

(5) Ni all y penderfyniad i ddiwygio'r cofnod ar gyfer yr adeilad yn y gofrestr gymryd effaith ar unrhyw adeg pan—

(a) gellid gofyn am adolygiad o'r penderfyniad o dan adran 64 (oni bai bod y prif berson atebol wedi hysbysu'r awdurdod nad yw'r person yn bwriadu gofyn am adolygiad),

(b) gofynnwyd am adolygiad ond nid yw wedi ei gwblhau ac nad yw'r cais wedi ei dynnu'n ôl,

(c) gellid apelio yn erbyn y penderfyniad i dribiwnlys eiddo preswyl o dan adran 65 (oni bai bod y prif berson atebol wedi hysbysu'r awdurdod nad yw'r person yn bwriadu apelio), neu

(d) bo apêl wedi ei gwneud ond heb ei phenderfynu'n derfynol na'i thynnu'n ôl.

(6) Os yw is-adran (5) yn peidio ag atal penderfyniad i ddiwygio'r cofnod yn y gofrestr rhag cymryd effaith ar adeg pan fo'r dyddiad a bennir yn yr hysbysiad a roddir o dan is-adran (4)(b) eisoes wedi mynd heibio, rhaid i'r awdurdod diogelwch adeiladau benderfynu ar ddyddiad yn y dyfodol y bydd y diwygiad yn cymryd effaith arno (oni bai bod dyddiad o'r fath wedi ei benderfynu ar adolygiad neu apêl).

(2) The authority must decide whether to revise the entry for the building in its register.

(3) The authority must give the principal accountable person notice of its decision before the end of 21 days beginning with the day after the day on which the authority is notified of the change under section 21(1).

(4) If the authority decides to revise the entry for the building in the register, the notice must set out the revision made.

(5) If the authority decides not to revise the entry for the building in the register, the notice must include information about the right of review under section 64.

23 Revision of register without notification

(1) This section applies where a building safety authority becomes aware, otherwise than by receiving notification under section 21(1), that information or a document included in an entry for a category 1 building or a category 2 building in its register is inaccurate.

(2) The authority must decide whether to revise the entry for the building in the register.

(3) If the authority decides to revise the entry, it must give the principal accountable person for the building notice of its decision before the end of 21 days beginning with the day after the day on which it becomes aware of the inaccuracy.

(4) The notice must—

(a) set out the revision made,

(b) include the date on which the revision takes effect, and

(c) include information about the right of review under section 64.

(5) The decision to revise the entry for the building in the register cannot take effect at any time when—

(a) a request for a review of the decision could be made under section 64 (unless the principal accountable person has notified the authority that the person does not intend to request a review),

(b) a review has been requested but has not concluded and the request has not been withdrawn,

(c) an appeal against the decision could be made to a residential property tribunal under section 65 (unless the principal accountable person has notified the authority that the person does not intend to appeal), or

(d) an appeal has been made but not finally determined or withdrawn.

(6) If subsection (5) ceases to prevent a decision to revise the entry in the register taking effect at a time when the date specified in the notice given under subsection (4)(b) has already passed, the building safety authority must determine a future date on which the revision takes effect (unless such a date has been determined on review or appeal).

Declarasiwn ynghylch cywirdeb gwybodaeth a dogfennau yn y gofrestr

24 Dyletswydd i roi declarasiwn ynghylch cywirdeb gwybodaeth a dogfennau sydd wedi eu cynnwys yn y gofrestr

(1) Rhaid i'r prif berson atebol ar gyfer adeilad categori 1 cofrestredig neu adeilad categori 2 cofrestredig, o fewn y cyfnod cadarnhau, roi i awdurdod diogelwch adeiladau yr adeilad ddeclarasiwn perthnasol.

(2) Mae "declarasiwn perthnasol" yn ddeclarasiwn ynghylch cywirdeb yr wybodaeth a'r dogfennau a gynhwysir yn y cofnod ar gyfer yr adeilad yng nghofrestr yr awdurdod sy'n cydymffurfio â rheoliadau a wneir o dan is-adran (3).

(3) Rhaid i Weinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch—

(a) ffurf a chynnwys declarasiwn perthnasol;

(b) sut y mae rhaid rhoi declarasiwn perthnasol.

(4) Nid yw is-adran (1) yn gymwys—

(a) os yw'r awdurdod diogelwch adeiladau wedi rhoi hysbysiad i'r prif berson atebol o benderfyniad i ddileu'r adeilad o'r gofrestr o dan adran 26(6), a

(b) naill ai—

(i) nad yw'r dyddiad y mae'r penderfyniad hwnnw yn cymryd effaith wedi ei gyrraedd eto, neu

(ii) nad yw'r penderfyniad wedi cymryd effaith eto yn rhinwedd adran 26(9) (atal dros dro wrth aros am adolygiad neu apêl).

(5) Mae is-adran (6) yn gymwys os yw adran 26(9) yn peidio â bod yn gymwys yn rhinwedd bod y penderfyniad i ddileu'r adeilad o'r gofrestr yn cael ei ganslo neu ei ddiddymu—

(a) yn ystod yr 14 o ddiwrnodau olaf y cyfnod cadarnhau, neu

(b) ar ôl diwedd y cyfnod cadarnhau.

(6) Rhaid i'r prif berson atebol roi declarasiwn perthnasol i'r awdurdod diogelwch adeiladau cyn diwedd 14 o ddiwrnodau sy'n dechrau â'r diwrnod drannoeth y diwrnod y caiff y penderfyniad ei ganslo neu ei ddiddymu.

(7) Cyn diwedd 21 o ddiwrnodau sy'n dechrau â'r diwrnod drannoeth y diwrnod y rhoddir y declarasiwn perthnasol, rhaid i'r awdurdod diogelwch adeiladau hysbysu'n ysgrifenedig y prif berson atebol ei fod wedi cael y declarasiwn.

(8) Mae prif berson atebol yn cyflawni trosedd os yw'r person yn methu heb esgus rhesymol â rhoi declarasiwn perthnasol i awdurdod diogelwch adeiladau yn unol ag is-adran (1) neu (6) (fel y bo'n gymwys).

(9) Mae person sy'n euog o drosedd o dan is-adran (8) yn agored—

(a) ar euogfarn ddiannod, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na'r terfyn cymwys o dan adran 224(1A)(b) o'r Cod Dedfrydu, neu'r ddau;

(b) ar euogfarn ar dditiad, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na 2 flynedd, neu'r ddau.

Declaration about accuracy of information and documents in register

24 Duty to give declaration about accuracy of information and documents included in register

(1) The principal accountable person for a registered category 1 building or a registered category 2 building must, within the confirmation period, give the building safety authority for the building a relevant declaration.

(2) A "relevant declaration" is a declaration about the accuracy of the information and documents included in the entry for the building in the authority's register that complies with regulations made under subsection (3).

(3) The Welsh Ministers must by regulations make provision about—

(a) the form and content of a relevant declaration;

(b) how a relevant declaration must be given.

(4) Subsection (1) does not apply if—

(a) the building safety authority has given the principal accountable person notice of a decision to remove the building from the register under section 26(6), and

(b) either—

(i) the date on which that decision takes effect has not yet been reached, or

(ii) the decision has not yet taken effect by virtue of section 26(9) (suspension pending review or appeal).

(5) Subsection (6) applies if section 26(9) ceases to apply by virtue of the decision to remove the building from the register being cancelled or quashed—

(a) during the last 14 days of the confirmation period, or

(b) after the end of the confirmation period.

(6) The principal accountable person must give the building safety authority a relevant declaration before the end of 14 days beginning with the day after the day on which the decision is cancelled or quashed.

(7) Before the end of 21 days beginning with the day after the day on which the relevant declaration is given, the building safety authority must notify the principal accountable person in writing that it has received the declaration.

(8) A principal accountable person commits an offence if the person fails without reasonable excuse to give a building safety authority a relevant declaration in accordance with subsection (1) or (6) (as applicable).

(9) A person guilty of an offence under subsection (8) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(10) Mae person sydd wedi ei euogfarnu o drosedd o dan is-adran (8) yn cyflawni trosedd bellach os yw'r person yn parhau i fethu â rhoi declarasiwn perthnasol i'r awdurdod diogelwch adeiladau.

(11) Mae person sy'n euog o drosedd o dan is-adran (10) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 1 ar y raddfa safonol ar gyfer pob diwrnod y mae'r methiant yn parhau.

(12) Yn yr adran hon, ystyr "cyfnod cadarnhau" yw'r 3 mis olaf o—

(a) y cyfnod o 5 mlynedd sy'n dechrau â'r dyddiad cofrestru a roddir yn yr hysbysiad sy'n ofynnol gan adran 20(5), a

(b) pob cyfnod dilynol o 5 mlynedd.

Dileu adeilad o gofrestr

25 Cais i ddileu adeilad o gofrestr

(1) Mae is-adran (2) yn gymwys os yw'r prif berson atebol ar gyfer adeilad categori 1 cofrestredig neu adeilad categori 2 cofrestredig yn credu, neu y dylai'n rhesymol gredu—

(a) nad yw'r adeilad yn adeilad categori 1 nac yn adeilad categori 2, neu

(b) nad yw'r adeilad wedi ei feddiannu a bydd cyfanswm y cyfnod nad yw'r adeilad wedi ei feddiannu yn 6 mis o leiaf.

(2) Rhaid i'r prif berson atebol wneud cais i'r awdurdod diogelwch adeiladau ar gyfer yr adeilad i ddileu'r adeilad o'r gofrestr cyn diwedd 14 o ddiwrnodau sy'n dechrau â'r diwrnod cyntaf y mae gan y person, neu y dylai'n rhesymol fod gan y person, y gred honno.

(3) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch ceisiadau o dan is-adran (2) gan gynnwys, yn benodol, ddarpariaeth ynghylch—

(a) sut y mae rhaid gwneud cais;

(b) ffurf a chynnwys cais;

(c) unrhyw beth arall y mae rhaid ei gynnwys gyda chais.

(4) Mae person sy'n methu heb esgus rhesymol â chydymffurfio ag is-adran (2) yn euog o drosedd ac yn agored ar euogfarn ddiannod i ddirwy.

(5) Mae person sydd wedi ei euogfarnu o drosedd o dan is-adran (4) yn cyflawni trosedd bellach os yw'r person yn parhau i fethu â chydymffurfio ag is-adran (2) ar ôl yr euogfarn.

(6) Mae person sy'n euog o drosedd o dan is-adran (5) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 1 ar y raddfa safonol ar gyfer pob diwrnod y mae'r methiant yn parhau.

26 Dileu adeilad o gofrestr gan awdurdod diogelwch adeiladau

(1) Caiff awdurdod diogelwch adeiladau ddileu adeilad categori 1 neu adeilad categori 2 o'i gofrestr os yw'n fodlon (pa un ai yn unol â chais o dan adran 25(2) neu fel arall)—

(a) nad yw'r adeilad yn adeilad categori 1 nac yn adeilad categori 2, neu

(b) nad yw'r adeilad wedi ei feddiannu a bydd cyfanswm y cyfnod nad yw'r adeilad wedi ei feddiannu yn 6 mis o leiaf.

(10) A person who has been convicted of an offence under subsection (8) commits a further offence if the person continues to fail to give the building safety authority a relevant declaration.

(11) A person guilty of an offence under subsection (10) is liable on summary conviction to a fine not exceeding level 1 on the standard scale for each day on which the failure continues.

(12) In this section, "confirmation period" means the last 3 months of—

(a) the period of 5 years beginning with the date of registration given in the notice required by section 20(5), and

(b) each subsequent period of 5 years.

Removal of building from register

25 Application to remove building from register

(1) Subsection (2) applies if the principal accountable person for a registered category 1 building or a registered category 2 building believes, or ought reasonably to believe, that—

(a) the building is neither a category 1 building nor a category 2 building, or

(b) the building is not occupied and the total period for which it is not occupied will be at least 6 months.

(2) The principal accountable person must apply to the building safety authority for the building to remove the building from the register before the end of 14 days beginning with the first day on which the person has, or ought reasonably to have, that belief.

(3) The Welsh Ministers may by regulations make provision about applications under subsection (2) including, in particular, provision about—

(a) how an application must be made;

(b) the form and content of an application;

(c) anything else that must be included with an application.

(4) A person who fails without reasonable excuse to comply with subsection (2) is guilty of an offence and is liable on summary conviction to a fine.

(5) A person who has been convicted of an offence under subsection (4) commits a further offence if the person continues to fail to comply with subsection (2) after the conviction.

(6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 1 on the standard scale for each day on which the failure continues.

26 Removal of building from register by building safety authority

(1) A building safety authority may remove a category 1 building or a category 2 building from its register if it is satisfied (whether pursuant to an application under section 25(2) or otherwise) that—

(a) the building is neither a category 1 building nor a category 2 building, or

(b) the building is not occupied and the total period for which it is not occupied will be at least 6 months.

(2) Cyn dileu adeilad o'r gofrestr, rhaid i'r awdurdod diogelwch adeiladau roi hysbysiad i'r personau a ganlyn ei fod yn bwriadu gwneud hynny—

(a) y prif berson atebol ar gyfer yr adeilad (oni bai bod yr awdurdod yn bwriadu dileu'r adeilad o'r gofrestr yn unol â chais gan y prif berson atebol o dan adran 25(2)), a

(b) pob person atebol arall ar gyfer yr adeilad (pan fo mwy nag un person atebol ar gyfer yr adeilad).

(3) Rhaid i hysbysiad o dan is-adran (2) bennu—

(a) y rhesymau dros fwriadu dileu'r adeilad o'r gofrestr,

(b) y cyfnod pryd y caiff pob person y rhoddir yr hysbysiad iddo gyflwyno sylwadau ynghylch yr hyn y mae'r awdurdod yn bwriadu ei wneud ("y cyfnod penodedig"), ac

(c) y ffordd y caniateir i'r sylwadau hynny gael eu cyflwyno.

(4) Rhaid i'r cyfnod penodedig fod o leiaf 14 o ddiwrnodau gan ddechrau â'r diwrnod drannoeth y diwrnod y rhoddir yr hysbysiad.

(5) Rhaid i'r awdurdod diogelwch adeiladau roi sylw i unrhyw sylwadau a wneir yn unol â'r hysbysiad a roddir o dan is-adran (2) wrth benderfynu a ddylid dileu'r adeilad o'r gofrestr.

(6) Rhaid i'r awdurdod roi hysbysiad o'i benderfyniad i bob person atebol ar gyfer yr adeilad.

(7) Os yw'r awdurdod yn penderfynu dileu'r adeilad o'r gofrestr yn unol â chais gan y prif berson atebol o dan adran 25(2), rhaid i'r hysbysiad o'i benderfyniad gynnwys y dyddiad y mae'r dilead yn cymryd effaith.

(8) Rhaid i unrhyw hysbysiad arall o benderfyniad i ddileu adeilad o'r gofrestr gynnwys—

(a) y dyddiad y mae'r dilead yn cymryd effaith,

(b) y rhesymau dros ddileu'r adeilad o'r gofrestr, ac

(c) gwybodaeth am yr hawl i gael adolygiad o dan adran 64.

(9) Ni all dileu adeilad o gofrestr o dan yr adran hon gymryd effaith ar unrhyw adeg pan—

(a) gellid gofyn am adolygiad o'r penderfyniad i ddileu'r adeilad o'r gofrestr o dan adran 64 (oni bai bod pob person atebol ar gyfer yr adeilad wedi hysbysu'r awdurdod diogelwch adeiladau nad yw'r person yn bwriadu gofyn am adolygiad),

(b) gofynnwyd am adolygiad ond nid yw wedi ei gwblhau ac nad yw'r cais wedi ei dynnu'n ôl,

(c) gellid apelio yn erbyn y penderfyniad i dribiwnlys eiddo preswyl o dan adran 65 (oni bai bod pob person atebol ar gyfer yr adeilad wedi hysbysu'r awdurdod nad yw'r person yn bwriadu apelio), neu

(d) bo apêl wedi ei gwneud ond heb ei phenderfynu'n derfynol na'i thynnu'n ôl.

(10) Os yw is-adran (9) yn peidio ag atal dilead rhag cymryd effaith ar adeg pan fo'r dyddiad a bennir yn yr hysbysiad a roddir o dan is-adran (8)(a) eisoes wedi mynd heibio, rhaid i'r awdurdod diogelwch adeiladau benderfynu ar ddyddiad yn y dyfodol y bydd y dilead yn cymryd effaith arno (oni bai bod dyddiad o'r fath wedi ei benderfynu ar adolygiad neu apêl).

(2) Before removing a building from the register, the building safety authority must give notice to the following persons that it proposes to do so—

(a) the principal accountable person for the building (unless the authority is proposing to remove the building from the register pursuant to an application by the principal accountable person under section 25(2)), and

(b) every other accountable person for the building (where there is more than one accountable person for the building).

(3) A notice under subsection (2) must specify—

(a) the reasons for proposing to remove the building from the register,

(b) the period during which each person given the notice may make representations about the proposal ("the specified period"), and

(c) the way in which those representations may be made.

(4) The specified period must be at least 14 days beginning with the day after the day on which the notice is given.

(5) The building safety authority must have regard to any representations made in accordance with the notice given under subsection (2) in deciding whether to remove the building from the register.

(6) The authority must give each accountable person for the building notice of its decision.

(7) If the authority decides to remove the building from the register pursuant to an application by the principal accountable person under section 25(2), the notice of its decision must include the date on which the removal takes effect.

(8) Any other notice of a decision to remove a building from the register must include—

(a) the date on which the removal takes effect,

(b) the reasons for removing the building from the register, and

(c) information about the right of review under section 64.

(9) The removal of a building from a register under this section cannot take effect at any time when—

(a) a request for a review of the decision to remove the building from the register could be made under section 64 (unless each accountable person for the building has notified the building safety authority that the person does not intend to request a review),

(b) a review has been requested but has not concluded and the request has not been withdrawn,

(c) an appeal against the decision could be made to a residential property tribunal under section 65 (unless each accountable person for the building has notified the authority that the person does not intend to appeal), or

(d) an appeal has been made but not finally determined or withdrawn.

(10) If subsection (9) ceases to prevent a removal taking effect at a time when the date specified in the notice given under subsection (8)(a) has already passed, the building safety authority must determine a future date on which the removal takes effect (unless such a date has been determined on review or appeal).

PENNOD 4

ASESU A RHEOLI RISGIAU DIOGELWCH ADEILAD

Termau allweddol

27 Ystyr "risg diogelwch tân" a "risg diogelwch strwythurol"

(1) Mae'r adran hon yn nodi ystyr "risg diogelwch tân" a "risg diogelwch strwythurol" mewn perthynas ag adeilad rheoleiddiedig.

(2) Ystyr "risg diogelwch tân" yw risg i ddiogelwch pobl yn yr adeilad neu o'i amgylch sy'n deillio o—

(a) achos o dân (pa un ai'n ddamweiniol neu'n fwriadol) mewn unrhyw ran o'r adeilad, neu

(b) lledaeniad tân o fewn unrhyw ran o'r adeilad, i unrhyw ran ohono neu o unrhyw ran ohono.

(3) Ystyr "risg diogelwch strwythurol" yw risg i ddiogelwch pobl yn yr adeilad neu o'i amgylch sy'n deillio o fethiant strwythurol sy'n effeithio ar unrhyw ran o'r adeilad.

28 Ystyr "risg diogelwch adeilad"

(1) Yn y Rhan hon ystyr "risg diogelwch adeilad" yw—

(a) mewn perthynas ag adeilad categori 1 neu adeilad categori 2, risg diogelwch tân neu risg diogelwch strwythurol;

(b) mewn perthynas ag adeilad categori 3, risg diogelwch tân.

(2) Caiff Gweinidogion Cymru, drwy reoliadau, addasu'r diffiniad o "risg diogelwch adeilad" i gynnwys risg a bennir yn y rheoliadau.

(3) Y risgiau y caiff eu pennu yn y rheoliadau yw—

(a) mewn perthynas ag adeilad categori 1 neu adeilad categori 2, unrhyw risg i ddiogelwch pobl yn yr adeilad neu o'i amgylch sy'n deillio o unrhyw fater (ac eithrio tân a methiant strwythurol) sy'n effeithio ar unrhyw ran o'r adeilad;

(b) mewn perthynas ag adeilad categori 3—

(i) risg diogelwch strwythurol;

(ii) unrhyw risg i ddiogelwch pobl yn yr adeilad neu o'i amgylch sy'n deillio o unrhyw fater (ac eithrio tân a methiant strwythurol) sy'n effeithio ar unrhyw ran o'r adeilad.

(4) Rhaid i'r rheoliadau wneud darpariaeth ar gyfer—

(a) asesu'r risgiau a bennir yn y rheoliadau pan fo adeilad y mae'r rheoliadau yn gymwys iddo wedi ei feddiannu, a

(b) cymryd camau i atal y risgiau hynny rhag cael eu gwireddu a lleihau difrifoldeb y digwyddiadau sy'n deillio o wireddiad y risgiau hynny.

CHAPTER 4

ASSESSMENT AND MANAGEMENT OF BUILDING SAFETY RISKS

Key terms

27 Meaning of "fire safety risk" and "structural safety risk"

(1) This section sets out the meaning of "fire safety risk" and "structural safety risk" in relation to a regulated building.

(2) "Fire safety risk" means a risk to the safety of people in or about the building arising from—

(a) the outbreak of fire (whether accidental or deliberate) in any part of the building, or

(b) the spread of fire in, to or from any part of the building.

(3) "Structural safety risk" means a risk to the safety of people in or about the building arising from structural failure affecting any part of the building.

28 Meaning of "building safety risk"

(1) In this Part "building safety risk" means—

(a) in relation to a category 1 building or a category 2 building, a fire safety risk or a structural safety risk;

(b) in relation to a category 3 building, a fire safety risk.

(2) The Welsh Ministers may by regulations modify the definition of "building safety risk" to include a risk specified in the regulations.

(3) The risks that may be specified in the regulations are—

(a) in relation to a category 1 building or a category 2 building, any risk to the safety of people in or about the building arising from any matter (other than fire and structural failure) affecting any part of the building;

(b) in relation to a category 3 building—

(i) a structural safety risk;

(ii) any risk to the safety of people in or about the building arising from any matter (other than fire and structural failure) affecting any part of the building.

(4) The regulations must make provision for—

(a) the assessment of the risks specified in the regulations where a building to which the regulations apply is occupied, and

(b) the taking of steps to prevent those risks materialising and reduce the severity of incidents resulting from them materialising.

(5) Caiff y rheoliadau—

(a) darparu bod unrhyw ddarpariaeth yn y Ddeddf hon neu reoliadau a wneir oddi tani sy'n gymwys mewn perthynas â risg diogelwch tân neu risg diogelwch strwythurol i fod yn gymwys (gydag addasiadau neu hebddynt) mewn perthynas â risg a bennir yn y rheoliadau, neu

(b) gwneud darpariaeth sy'n cyfateb i unrhyw ddarpariaeth o'r fath (gydag addasiadau neu hebddynt) mewn perthynas â risg a bennir yn y rheoliadau.

(6) Mae'r ddarpariaeth y caniateir ei gwneud gan y rheoliadau yn cynnwys—

(a) 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));

(b) darpariaeth sy'n diwygio'r Ddeddf hon.

(7) Cyn gwneud rheoliadau o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori ag—

(a) pob cyngor sir a chyngor bwrdeistref sirol yng Nghymru,

(b) pob awdurdod diogelwch tân, ac

(c) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

Risgiau diogelwch tân mewn adeiladau rheoleiddiedig

29 Asesiad o risgiau diogelwch tân: dyletswyddau prif berson atebol

(1) Pan fo adeilad rheoleiddiedig wedi ei feddiannu, rhaid i'r prif berson atebol ar gyfer yr adeilad sicrhau bod y risgiau diogelwch tân sy'n ymwneud â rhannau perthnasol yr adeilad yn cael eu hasesu yn unol â'r adran hon ac adrannau 30 i 32 ac unrhyw reoliadau a wneir o dan yr adrannau hynny.

(2) "Rhannau perthnasol" yr adeilad yw pob rhan o'r adeilad y mae unrhyw berson atebol yn gyfrifol amdani (gweler adran 16).

(3) Cyfeirir at asesiad o dan is-adran (1) yn y Ddeddf hon fel "asesiad risg tân".

(4) Rhaid i asesiad risg tân fod yn addas ac yn ddigonol i alluogi pob person atebol ar gyfer yr adeilad (ac unrhyw berson arall sy'n cael ei drin fel person atebol yn rhinwedd adran 36) i gydymffurfio ag adran 33 (rheoli risgiau diogelwch tân).

30 Gofyniad i asesiad risg tân gael ei wneud gan berson cymwys

(1) Rhaid i asesiad risg tân ar gyfer adeilad rheoleiddiedig gael ei wneud gan berson cymwys.

(2) Ystyr "person cymwys" yw unigolyn neu gorff sy'n meddu ar arbenigedd neu brofiad digonol i asesu'r risgiau diogelwch tân mewn perthynas â'r rhannau perthnasol o'r adeilad (o fewn yr ystyr a roddir gan adran 29(2)).

(3) Caiff Gweinidogion Cymru, drwy reoliadau, bennu gofynion y mae rhaid i unigolyn neu gorff eu bodloni er mwyn ystyried eu bod yn meddu ar arbenigedd neu brofiad digonol at y diben hwnnw (gan gynnwys gofynion ar gyfer cymwysterau penodol neu ar gyfer achrediad gan sefydliad penodol, neu aelodaeth o sefydliad o'r fath).

(4) Cyn gwneud rheoliadau o dan is-adran (3), rhaid i Weinidogion Cymru ymgynghori ag—

(a) pob awdurdod diogelwch tân, a

(5) The regulations may—

(a) provide that any provision of this Act or regulations made under it that applies in relation to a fire safety risk or a structural safety risk is to apply (with or without modifications) in relation to a risk specified in the regulations, or

(b) make provision corresponding to any such provision (with or without modifications) in relation to a risk specified in the regulations.

(6) The provision that may be made by the regulations includes—

(a) provision conferring functions on any devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006 (c. 32));

(b) provision amending this Act.

(7) Before making regulations under this section, the Welsh Ministers must consult—

(a) each county council and county borough council in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

Fire safety risks in regulated buildings

29 Assessment of fire safety risks: duties of principal accountable person

(1) Where a regulated building is occupied, the principal accountable person for the building must ensure that the fire safety risks relating to the relevant parts of the building are assessed in accordance with this section, sections 30 to 32 and any regulations made under those sections.

(2) The "relevant parts" of the building are every part of the building for which any accountable person is responsible (see section 16).

(3) An assessment under subsection (1) is referred to in this Act as a "fire risk assessment".

(4) A fire risk assessment must be suitable and sufficient to enable each accountable person for the building (and any other person who is treated as an accountable person by virtue of section 36) to comply with section 33 (management of fire safety risks).

30 Requirement for fire risk assessment to be made by competent person

(1) A fire risk assessment for a regulated building must be made by a competent person.

(2) A "competent person" means an individual or body having sufficient expertise or experience to assess the fire safety risks in relation to the relevant parts of the building (within the meaning given by section 29(2)).

(3) The Welsh Ministers may by regulations specify requirements that an individual or body must satisfy to be regarded as having sufficient expertise or experience for that purpose (including requirements for particular qualifications or for accreditation by, or membership of, a particular organisation).

(4) Before making regulations under subsection (3), the Welsh Ministers must consult—

(a) each fire safety authority, and

(b) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

(5) Os gwneir asesiad risg tân ar gyfer adeilad rheoleiddiedig gan berson nad yw'n berson cymwys—

(a) mae'r person sy'n gwneud yr asesiad yn cyflawni trosedd, a

(b) mae'r prif berson atebol ar gyfer yr adeilad yn cyflawni trosedd os oedd y prif berson atebol yn gwybod, neu y dylai'n rhesymol fod wedi gwybod, nad oedd y person sy'n gwneud yr asesiad yn berson cymwys.

(6) Mae person sy'n euog o drosedd o dan is-adran (5) yn agored—

(a) ar euogfarn ddiannod, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na'r terfyn cymwys o dan adran 224(1A)(b) o'r Cod Dedfrydu, neu'r ddau;

(b) ar euogfarn ar dditiad, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na 2 flynedd, neu'r ddau.

(7) Mae person yn cyflawni trosedd—

(a) os yw'r person yn cynnig gwneud asesiad risg tân ar gyfer adeilad rheoleiddiedig, a

(b) os nad yw'r person yn berson cymwys.

(8) Mae person sy'n euog o drosedd o dan is-adran (7) yn agored ar euogfarn ddiannod i ddirwy.

31 Amseru ac adolygu asesiadau risg tân

(1) Rhaid gwneud yr asesiad risg tân cyntaf ar gyfer adeilad rheoleiddiedig heb fod yn hwyrach na 6 mis ar ôl y diweddaraf o'r hyn a ganlyn—

(a) y diwrnod y caiff yr adeilad ei feddiannu;

(b) y diwrnod y daw'r adran hon i rym.

(2) 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.

(3) Rhaid gwneud asesiadau risg tân pellach cyn gynted â phosibl ar ôl i unrhyw un neu ragor o'r hyn a ganlyn ddigwydd—

(a) bod gwaith yn cael ei wneud mewn perthynas â'r adeilad, neu bod newidiadau i feddiannaeth neu ddefnydd unrhyw ran o'r adeilad, y mae caniatâd cynllunio neu gymeradwyaeth rheolaeth adeiladu yn ofynnol ar eu cyfer;

(b) bod gwaith yn cael ei wneud am y tro cyntaf mewn perthynas â'r adeilad i addasu unrhyw ran ohono i ddiwallu anghenion preswylwyr anabl (ac eithrio gwaith a wneir y tu mewn i uned breswyl heb yn wybod i'r prif berson atebol);

(c) bod tân yn achosi difrod i unrhyw un neu ragor o rannau cyffredin yr adeilad neu i ddwy uned breswyl neu ragor yn yr adeilad;

(d) bod canfyddiadau adolygiad o dan is-adran (6) yn awgrymu nad yw'r asesiad risg tân cyfredol ar gyfer yr adeilad yn addas nac yn ddigonol mwyach at y diben a grybwyllir yn adran 29(4);

(e) bod gan y prif berson atebol ar gyfer yr adeilad unrhyw reswm arall dros amau nad yw'r asesiad cyfredol yn addas nac yn ddigonol mwyach at y diben hwnnw.

(b) such other persons as they consider appropriate.

(5) If a fire risk assessment for a regulated building is made by a person who is not a competent person—

(a) the person who makes the assessment commits an offence, and

(b) the principal accountable person for the building commits an offence if the principal accountable person knew, or ought reasonably to have known, that the person making the assessment was not a competent person.

(6) A person guilty of an offence under subsection (5) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(7) A person commits an offence if—

(a) the person offers to make a fire risk assessment for a regulated building, and

(b) the person is not a competent person.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine.

31 Timing and review of fire risk assessments

(1) The first fire risk assessment for a regulated building must be made no later than 6 months after the later of the following—

(a) the day on which the building becomes occupied;

(b) the day on which this section comes into force.

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

(3) Further fire risk assessments must be made as soon as possible after any of the following occur—

(a) works are carried out in relation to the building, or there are changes in the occupation or use of any part of the building, that require planning permission or building control approval;

(b) works are carried out for the first time in relation to the building to adapt any part of it to meet the needs of disabled residents (other than works carried out inside a residential unit without the knowledge of the principal accountable person);

(c) a fire causes damage to any of the common parts of the building or to two or more residential units in the building;

(d) the findings of a review under subsection (6) suggest that the current fire risk assessment for the building is no longer suitable and sufficient for the purpose mentioned in section 29(4);

(e) the principal accountable person for the building has any other reason to suspect that the current assessment is no longer suitable and sufficient for that purpose.

(4) Ond os bydd unrhyw un neu ragor o'r amgylchiadau a grybwyllir yn is-adran (3) yn digwydd ar adeg pan nad yw'r adeilad wedi ei feddiannu, rhaid gwneud asesiad risg tân pellach cyn gynted â phosibl ar ôl i'r adeilad gael ei feddiannu eto.

(5) Rhaid i'r prif berson atebol ar gyfer yr adeilad sicrhau, os caiff ei gyfarwyddo i wneud hynny gan awdurdod diogelwch tân yr adeilad, fod asesiad risg tân pellach yn cael ei wneud o fewn cyfnod a bennir yn y cyfarwyddyd.

(6) Rhaid i'r prif berson atebol sicrhau bod yr asesiad risg tân cyfredol ar gyfer yr adeilad yn cael ei adolygu, er mwyn sicrhau ei fod yn parhau i fod yn addas ac yn ddigonol, o leiaf unwaith ym mhob 12 mis ar ôl i'r asesiad gael ei wneud.

32 Darpariaeth bellach am asesiadau risg tân

(1) Rhaid i'r prif berson atebol ar gyfer adeilad rheoleiddiedig sicrhau—

(a) y cofnodir yn ysgrifenedig ganfyddiadau pob asesiad risg tân ac adolygiad sy'n ymwneud â'r adeilad, a

(b) y rhoddir copi o bob asesiad i—

(i) pob person atebol arall ar gyfer yr adeilad (pan fo mwy nag un person atebol), a

(ii) unrhyw berson arall sy'n cael ei drin fel person atebol yn rhinwedd adran 36.

(2) Caiff Gweinidogion Cymru drwy reoliadau—

(a) gwneud darpariaeth ynghylch cyfrifo'r cyfnodau ar gyfer gwneud ac adolygu asesiadau risg tân pan fo bwlch ym meddiannaeth adeilad rheoleiddiedig;

(b) pennu materion y mae rhaid eu hystyried fel rhan o asesiad neu adolygiad;

(c) gwneud darpariaeth ynghylch y fethodoleg y mae rhaid ei defnyddio wrth wneud neu adolygu asesiad;

(d) pennu gwybodaeth y mae rhaid ei chynnwys yng nghofnod ysgrifenedig asesiad neu adolygiad.

(3) Cyn gwneud rheoliadau o dan is-adran (2), rhaid i Weinidogion Cymru ymgynghori ag—

(a) pob cyngor sir a chyngor bwrdeistref sirol yng Nghymru,

(b) pob awdurdod diogelwch tân, ac

(c) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

33 Rheoli risgiau diogelwch tân gan bersonau atebol

(1) Pan fo adeilad rheoleiddiedig wedi ei feddiannu, rhaid i bob person atebol ar gyfer yr adeilad gymryd pob cam rhesymol i—

(a) atal risg diogelwch tân rhag cael ei gwireddu mewn perthynas â'r rhan o'r adeilad y mae'r person yn gyfrifol amdani, a

(b) lleihau difrifoldeb unrhyw ddigwyddiad sy'n deillio o wireddiad risg o'r fath mewn perthynas â'r rhan honno.

(2) Rhaid i'r camau y mae person atebol yn eu cymryd, yn benodol, gynnwys pob cam rhesymol i—

(4) But if any of the circumstances mentioned in subsection (3) occur at a time when the building is not occupied, a further fire risk assessment must be made as soon as possible after the building again becomes occupied.

(5) If directed to do so by the fire safety authority for the building, the principal accountable person for the building must ensure that a further fire risk assessment is made within a period specified in the direction.

(6) The principal accountable person must ensure that the current fire risk assessment for the building is reviewed, so as to ensure it remains suitable and sufficient, at least once in every 12 months after the assessment was made.

32 Further provision about fire risk assessments

(1) The principal accountable person for a regulated building must ensure that—

(a) the findings of every fire risk assessment and review relating to the building are recorded in writing, and

(b) a copy of each assessment is given to—

(i) every other accountable person for the building (where there is more than one accountable person), and

(ii) any other person who is treated as an accountable person by virtue of section 36.

(2) The Welsh Ministers may by regulations—

(a) make provision about the calculation of the periods for making and reviewing fire risk assessments where there is a gap in the occupation of a regulated building;

(b) specify matters that must be considered as part of an assessment or review;

(c) make provision about the methodology that must be used in making or reviewing an assessment;

(d) specify information that must be included in the written record of an assessment or review.

(3) Before making regulations under subsection (2), the Welsh Ministers must consult—

(a) each county council and county borough council in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

33 Management of fire safety risks by accountable persons

(1) Where a regulated building is occupied, each accountable person for the building must take all reasonable steps to—

(a) prevent a fire safety risk materialising in relation to the part of the building for which the person is responsible, and

(b) reduce the severity of any incident resulting from such a risk materialising in relation to that part.

(2) The steps that an accountable person takes must, in particular, include all reasonable steps to—

(a) lleihau'r tebygolrwydd y bydd tân yn cychwyn (pa un ai yn ddamweiniol neu'n fwriadol) yn y rhan o'r adeilad y mae'r person yn gyfrifol amdani;

(b) lleihau'r tebygolrwydd y bydd unrhyw dân sy'n cychwyn yn y rhan honno o'r adeilad neu'n agos iddi yn lledaenu yn y rhan honno, i'r rhan honno neu o'r rhan honno;

(c) sicrhau bod pobl yn yr adeilad neu o'i amgylch y mae eu diogelwch mewn perygl oherwydd tân yn y rhan honno o'r adeilad yn gallu dianc yn gyflym ac yn ddiogel;

(d) sicrhau y gellir ymladd unrhyw dân yn y rhan honno o'r adeilad yn brydlon ac yn effeithiol.

(3) Caiff y camau y mae person atebol yn eu cymryd o dan yr adran hon gynnwys gwneud gwaith i'r rhan o'r adeilad y mae'r person yn gyfrifol amdani.

(4) Wrth benderfynu ar y camau sydd i'w cymryd o dan yr adran hon, rhaid i berson atebol roi sylw penodol i'r asesiad risg tân cyfredol ar gyfer yr adeilad.

(5) Rhaid cymryd camau sy'n ofynnol gan yr adran hon yn brydlon.

(6) Rhaid i berson atebol—

(a) gwneud trefniadau i sicrhau y caiff y camau a gymerir gan y person o dan yr adran hon eu cynllunio, eu trefnu, eu rheoli, eu monitro a'u hadolygu'n effeithiol, a

(b) rhoi effaith i'r trefniadau hynny.

(7) Rhaid i berson atebol sicrhau y caiff cofnod ysgrifenedig ei wneud o—

(a) trefniadau y mae'r person yn eu gwneud o dan yr adran hon, a

(b) camau y mae'r person yn eu cymryd o dan yr adran hon.

(8) Caiff Gweinidogion Cymru drwy reoliadau—

(a) gwneud darpariaeth ynghylch yr hyn sy'n gamau rhesymol at ddibenion yr adran hon;

(b) pennu materion y mae rhaid i berson atebol roi sylw iddynt, neu egwyddorion y mae rhaid i berson atebol weithredu yn unol â hwy, wrth benderfynu ar y camau i'w cymryd o dan yr adran hon neu wrth gymryd y camau;

(c) pennu gofynion y mae rhaid i drefniadau o dan yr adran hon gydymffurfio â hwy;

(d) pennu gwybodaeth y mae rhaid ei chynnwys mewn cofnod ysgrifenedig o'r trefniadau a wnaed, neu gamau a gymerir, o dan yr adran hon.

(9) Cyn gwneud rheoliadau o dan is-adran (8), rhaid i Weinidogion Cymru ymgynghori ag—

(a) pob cyngor sir a chyngor bwrdeistref sirol yng Nghymru,

(b) pob awdurdod diogelwch tân, ac

(c) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

(10) Yn yr adran hon, mae cyfeiriadau at berson atebol yn cynnwys person sy'n cael ei drin fel person atebol at ddibenion yr adran hon yn rhinwedd adran 36.

(a) minimise the likelihood that fire will break out (whether accidentally or deliberately) in the part of the building for which the person is responsible;

(b) minimise the likelihood that any fire that breaks out in or near that part of the building will spread in, to or from that part;

(c) ensure that people in or about the building whose safety is at risk from fire in that part of the building can escape quickly and safely;

(d) ensure that any fire in that part of the building can be fought promptly and effectively.

(3) The steps that an accountable person takes under this section may include carrying out works to the part of the building for which the person is responsible.

(4) In determining the steps to be taken under this section, an accountable person must have particular regard to the current fire risk assessment for the building.

(5) Steps required by this section must be taken promptly.

(6) An accountable person must—

(a) make arrangements to ensure the effective planning, organisation, control, monitoring and review of steps taken by the person under this section, and

(b) give effect to those arrangements.

(7) An accountable person must ensure that a written record is made of—

(a) arrangements that the person makes under this section, and

(b) steps that the person takes under this section.

(8) The Welsh Ministers may by regulations—

(a) make provision about what are reasonable steps for the purposes of this section;

(b) specify matters to which an accountable person must have regard, or principles in accordance with which an accountable person must act, when determining the steps to take under this section or taking the steps;

(c) specify requirements with which arrangements under this section must comply;

(d) specify information that must be included in a written record of arrangements made, or steps taken, under this section.

(9) Before making regulations under subsection (8), the Welsh Ministers must consult—

(a) each county council and county borough council in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

(10) In this section, references to an accountable person include a person who is treated as an accountable person for the purposes of this section by virtue of section 36.

Risgiau diogelwch strwythurol mewn adeiladau categori 1 ac adeiladau categori 2

34 Asesu risgiau diogelwch strwythurol: dyletswyddau personau atebol

(1) Pan fo adeilad categori 1 neu adeilad categori 2 wedi ei feddiannu, rhaid i bob person atebol ar gyfer yr adeilad sicrhau bod y risgiau diogelwch strwythurol sy'n ymwneud â'r rhan o'r adeilad y mae'r person yn gyfrifol amdani yn cael eu hasesu yn unol â'r adran hon ac unrhyw reoliadau a wneir oddi tani.

(2) Cyfeirir at asesiad o dan is-adran (1) yn y Ddeddf hon fel "asesiad risg strwythurol".

(3) Rhaid i asesiad risg strwythurol ar gyfer rhan o adeilad—

(a) cael ei wneud gan unigolyn neu gorff sy'n meddu ar arbenigedd neu brofiad digonol i asesu'r risgiau diogelwch strwythurol mewn perthynas â'r rhan honno, a

(b) bod yn addas ac yn ddigonol i alluogi'r person atebol sy'n gyfrifol am y rhan honno (neu unrhyw berson arall sy'n cael ei drin fel person atebol o'r fath yn rhinwedd adran 36) i gydymffurfio ag adran 35 (rheoli risgiau diogelwch strwythurol).

(4) Rhaid i asesiad risg strwythurol cyntaf person atebol gael ei wneud cyn gynted â phosibl ar ôl i'r diweddaraf o'r digwyddiadau a ganlyn ddigwydd—

(a) bod yr adeilad yn cael ei feddiannu;

(b) bod y person yn dod yn berson atebol ar gyfer yr adeilad;

(c) bod yr adran hon yn dod i rym.

(5) Rhaid gwneud asesiadau risg strwythurol pellach—

(a) ar ysbeidiau rheolaidd;

(b) cyn gynted â phosibl os oes gan y person atebol reswm dros amau nad yw'r asesiad cyfredol yn addas nac yn ddigonol mwyach at y diben a grybwyllir yn is-adran (3)(b);

(c) os cyfarwyddir y person atebol i wneud hynny gan awdurdod diogelwch adeiladau yr adeilad, o fewn cyfnod a bennir yn y cyfarwyddyd.

(6) Rhaid i berson atebol sy'n gyfrifol am ran o adeilad sicrhau—

(a) y cofnodir canfyddiadau pob asesiad risg strwythurol ar gyfer y rhan honno yn ysgrifenedig, a

(b) y rhoddir copi o bob asesiad i'r prif berson atebol ar gyfer yr adeilad (pan nad y person atebol yw'r prif berson atebol).

(7) Caiff Gweinidogion Cymru drwy reoliadau—

(a) pennu gofynion y mae rhaid i unigolyn neu gorff eu bodloni er mwyn ystyried eu bod yn meddu ar arbenigedd neu brofiad digonol at ddiben gwneud asesiad risg strwythurol (gan gynnwys gofynion ar gyfer cymwysterau penodol neu ar gyfer achrediad gan sefydliad penodol, neu aelodaeth o sefydliad penodol);

(b) pennu materion y mae rhaid eu hystyried fel rhan o asesiad;

(c) gwneud darpariaeth ynghylch y fethodoleg y mae rhaid ei defnyddio wrth wneud asesiad;

(d) pennu gwybodaeth y mae rhaid ei chynnwys yng nghofnod ysgrifenedig asesiad;

Structural safety risks in category 1 buildings and category 2 buildings

34 Assessment of structural safety risks: duties of accountable persons

(1) Where a category 1 building or a category 2 building is occupied, each accountable person for the building must ensure that the structural safety risks relating to the part of the building for which the person is responsible are assessed in accordance with this section and any regulations made under it.

(2) An assessment under subsection (1) is referred to in this Act as a "structural risk assessment".

(3) A structural risk assessment for a part of a building must—

(a) be made by an individual or body having sufficient expertise or experience to assess the structural safety risks in relation to that part, and

(b) be suitable and sufficient to enable the accountable person who is responsible for that part (or any other person who is treated as such an accountable person by virtue of section 36) to comply with section 35 (management of structural safety risks).

(4) An accountable person's first structural risk assessment must be made as soon as possible after the latest of the following events occurs—

(a) the building becomes occupied;

(b) the person becomes an accountable person for the building;

(c) this section comes into force.

(5) Further structural risk assessments must be made—

(a) at regular intervals;

(b) as soon as possible if the accountable person has reason to suspect that the current assessment is no longer suitable and sufficient for the purpose mentioned in subsection (3)(b);

(c) if the accountable person is directed to do so by the building safety authority for the building, within a period specified in the direction.

(6) An accountable person who is responsible for a part of a building must ensure that—

(a) the findings of every structural risk assessment for that part are recorded in writing, and

(b) a copy of each assessment is given to the principal accountable person for the building (where the accountable person is not the principal accountable person).

(7) The Welsh Ministers may by regulations—

(a) specify requirements that an individual or body must satisfy to be regarded as having sufficient expertise or experience for the purpose of making a structural risk assessment (including requirements for particular qualifications or for accreditation by, or membership of, a particular organisation);

(b) specify matters that must be considered as part of an assessment;

(c) make provision about the methodology that must be used in making an assessment;

(d) specify information that must be included in the written record of an assessment;

(e) pennu'r ysbaid hiraf y caiff person atebol ganiatáu iddo fynd heibio rhwng asesiadau.

(8) Cyn gwneud rheoliadau o dan is-adran (7), rhaid i Weinidogion Cymru ymgynghori ag—

(a) pob cyngor sir a chyngor bwrdeistref sirol yng Nghymru,

(b) pob awdurdod diogelwch tân, ac

(c) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

35 Rheoli risgiau diogelwch strwythurol gan bersonau atebol

(1) Pan fo adeilad categori 1 neu adeilad categori 2 wedi ei feddiannu, rhaid i bob person atebol ar gyfer yr adeilad gymryd pob cam rhesymol i—

(a) atal risg diogelwch strwythurol rhag cael ei gwireddu mewn perthynas â'r rhan o'r adeilad y mae'r person yn gyfrifol amdani, a

(b) lleihau difrifoldeb unrhyw ddigwyddiad sy'n deillio o wireddiad risg o'r fath mewn perthynas â'r rhan honno.

(2) Caiff y camau gynnwys y person atebol yn gwneud gwaith i'r rhan o'r adeilad y mae'r person yn gyfrifol amdani.

(3) Rhaid cymryd y camau yn brydlon.

(4) Rhaid i berson atebol—

(a) gwneud trefniadau i sicrhau y caiff y camau a gymerir gan y person o dan yr adran hon eu cynllunio, eu trefnu, eu rheoli, eu monitro a'u hadolygu'n effeithiol, a

(b) rhoi effaith i'r trefniadau hynny.

(5) Rhaid i berson atebol sicrhau y caiff cofnod ysgrifenedig ei wneud o—

(a) trefniadau y mae'r person yn eu gwneud o dan yr adran hon, a

(b) camau y mae'r person yn eu cymryd o dan yr adran hon.

(6) Caiff Gweinidogion Cymru drwy reoliadau—

(a) gwneud darpariaeth ynghylch yr hyn sy'n gamau rhesymol at ddibenion yr adran hon;

(b) pennu materion y mae rhaid i berson atebol roi sylw iddynt, neu egwyddorion y mae rhaid i berson atebol weithredu yn unol â hwy, wrth benderfynu ar y camau i'w cymryd o dan yr adran hon neu wrth gymryd y camau;

(c) pennu gofynion y mae rhaid i drefniadau o dan yr adran hon gydymffurfio â hwy;

(d) pennu gwybodaeth y mae rhaid ei chynnwys mewn cofnod ysgrifenedig o'r trefniadau a wnaed, neu gamau a gymerir, o dan yr adran hon.

(7) Cyn gwneud rheoliadau o dan is-adran (6), rhaid i Weinidogion Cymru ymgynghori ag—

(a) pob cyngor sir a chyngor bwrdeistref sirol yng Nghymru,

(b) pob awdurdod diogelwch tân, ac

(c) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

(8) Yn yr adran hon, mae cyfeiriadau at berson atebol yn cynnwys person sy'n cael ei drin fel person atebol at ddibenion yr adran hon yn rhinwedd adran 36.

(e) specify a maximum interval that an accountable person may allow to elapse between assessments.

(8) Before making regulations under subsection (7), the Welsh Ministers must consult—

(a) each county council and county borough council in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

35 Management of structural safety risks by accountable persons

(1) Where a category 1 building or a category 2 building is occupied, each accountable person for the building must take all reasonable steps to—

(a) prevent a structural safety risk materialising in relation to the part of the building for which the person is responsible, and

(b) reduce the severity of any incident resulting from such a risk materialising in relation to that part.

(2) The steps may include the accountable person carrying out works to the part of the building for which the person is responsible.

(3) The steps must be taken promptly.

(4) An accountable person must—

(a) make arrangements to ensure the effective planning, organisation, control, monitoring and review of steps taken by the person under this section, and

(b) give effect to those arrangements.

(5) An accountable person must ensure that a written record is made of—

(a) arrangements that the person makes under this section, and

(b) steps that the person takes under this section.

(6) The Welsh Ministers may by regulations—

(a) make provision about what are reasonable steps for the purposes of this section;

(b) specify matters to which an accountable person must have regard, or principles in accordance with which an accountable person must act, when determining the steps to take under this section or taking the steps;

(c) specify requirements with which arrangements under this section must comply;

(d) specify information that must be included in a written record of arrangements made, or steps taken, under this section.

(7) Before making regulations under subsection (6), the Welsh Ministers must consult—

(a) each county council and county borough council in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

(8) In this section, references to an accountable person include a person who is treated as an accountable person for the purposes of this section by virtue of section 36.

Rheoli risgiau diogelwch adeilad gan bersonau eraill

36 Rheoli risgiau diogelwch adeilad gan bersonau heblaw am bersonau atebol

(1) Mae'r adran hon yn gymwys mewn perthynas â rhan o adeilad rheoleiddiedig y mae person atebol yn gyfrifol amdani, i'r graddau—

(a) y mae'n ffurfio rhan o rannau cyffredin yr adeilad, neu

(b) y byddai'n ffurfio rhan o'r rhannau cyffredin ond am y ffaith ei fod wedi ei gynnwys mewn demeis uned breswyl (gweler adran 13).

(2) Os oes gan unrhyw berson arall rwymedigaeth o dan gontract (ac eithrio les) i ddarparu gwasanaethau sy'n ymwneud ag atgyweirio, cynnal a chadw neu ddiogelwch y rhan honno o'r adeilad, mae'r person hwnnw i'w drin, mewn perthynas â materion o fewn cwmpas y rhwymedigaeth, hefyd fel person atebol sy'n gyfrifol am y rhan honno.

(3) Os oes gan unrhyw berson arall unrhyw radd o reolaeth dros y rhan honno o'r adeilad, mae'r person hwnnw i'w drin, mewn perthynas â materion o fewn rheolaeth y person, hefyd fel person atebol sy'n gyfrifol am y rhan honno.

(4) Ond nid yw person i'w drin fel person atebol o dan is-adran (3) yn rhinwedd bod ganddo reolaeth, fel preswylydd neu berchennog uned breswyl yn yr adeilad, dros unrhyw ran o'r adeilad y bwriedir iddi wella diogelwch pobl yn yr adeilad neu o'i amgylch mewn perthynas â risg diogelwch adeilad.

(5) Mae'r adran hon yn gymwys at ddibenion—

(a) adran 33 (rheoli risgiau diogelwch tân), a

(b) yn achos adeilad categori 1 neu adeilad categori 2, adran 35 (rheoli risgiau diogelwch strwythurol).

PENNOD 5

DYLETSWYDDAU SY'N GYMWYS I ADEILADAU CATEGORI 1 A FFEDDIENNIR YN UNIG

Adroddiadau achos diogelwch

37 Llunio ac adolygu adroddiad achos diogelwch gan brif berson atebol

(1) Rhaid i'r prif berson atebol ar gyfer adeilad categori 1 a feddiennir lunio adroddiad sy'n cynnwys gwybodaeth a bennir mewn rheoliadau a wnaed gan Weinidogion Cymru sy'n ymwneud ag—

(a) yr asesiad risg tân cyfredol ar gyfer yr adeilad;

(b) y camau a gymerwyd o dan adran 33 (rheoli risgiau diogelwch tân) gan bob person atebol ar gyfer yr adeilad ac unrhyw berson sy'n cael ei drin fel person atebol at ddibenion yr adran honno yn rhinwedd adran 36;

(c) yr asesiad risg strwythurol cyfredol ar gyfer pob rhan o'r adeilad y mae person atebol yn gyfrifol amdani;

(d) y camau a gymerwyd o dan adran 35 (rheoli risgiau diogelwch strwythurol) gan bob person atebol ar gyfer yr adeilad ac unrhyw berson sy'n cael ei drin fel person atebol at ddibenion yr adran honno yn rhinwedd adran 36.

(2) Cyfeirir at adroddiad o dan is-adran (1) yn y Ddeddf hon fel "adroddiad achos diogelwch".

Management of building safety risks by other persons

36 Management of building safety risks by persons other than accountable persons

(1) This section applies in relation to a part of a regulated building for which an accountable person is responsible, so far as it—

(a) forms part of the common parts of the building, or

(b) would form part of the common parts but for the fact that it is included in a demise of a residential unit (see section 13).

(2) If any other person has an obligation under a contract (other than a lease) to provide services relating to the repair, maintenance or safety of that part of the building, that person is to be treated, in relation to matters within the scope of the obligation, as also being an accountable person who is responsible for that part.

(3) If any other person has any degree of control over that part of the building, that person is to be treated, in relation to matters within the person's control, as also being an accountable person who is responsible for that part.

(4) But a person is not to be treated as an accountable person under subsection (3) by virtue of having control, as a resident or owner of a residential unit in the building, over any part of the building that is intended to improve the safety of people in or about the building in relation to a building safety risk.

(5) This section applies for the purposes of—

(a) section 33 (management of fire safety risks), and

(b) in the case of a category 1 building or a category 2 building, section 35 (management of structural safety risks).

CHAPTER 5

DUTIES APPLYING ONLY TO OCCUPIED CATEGORY 1 BUILDINGS

Safety case reports

37 Preparation and revision of safety case report by principal accountable person

(1) The principal accountable person for an occupied category 1 building must prepare a report containing information specified in regulations made by the Welsh Ministers relating to—

(a) the current fire risk assessment for the building;

(b) the steps that have been taken under section 33 (management of fire safety risks) by each accountable person for the building and any person who is treated as an accountable person for the purposes of that section by virtue of section 36;

(c) the current structural risk assessment for each part of the building for which an accountable person is responsible;

(d) the steps that have been taken under section 35 (management of structural safety risks) by each accountable person for the building and any person who is treated as an accountable person for the purposes of that section by virtue of section 36.

(2) A report under subsection (1) is referred to in this Act as a "safety case report".

(3) Rhaid i'r prif berson atebol lunio yr adroddiad achos diogelwch cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r diweddaraf o'r digwyddiadau a ganlyn ddigwydd—

(a) bod yr adeilad yn cael ei feddiannu;

(b) bod yr adeilad yn dod yn adeilad categori 1;

(c) bod y person yn dod yn brif berson atebol ar gyfer yr adeilad;

(d) bod yr adran hon yn dod i rym.

(4) Cyn gynted â phosibl ar ôl llunio'r adroddiad achos diogelwch, rhaid i'r prif berson atebol roi copi ohono i awdurdod diogelwch adeiladau yr adeilad.

(5) Rhaid i'r prif berson atebol—

(a) cadw'r adroddiad achos diogelwch o dan adolygiad, a

(b) gwneud unrhyw ddiwygiadau i'r adroddiad sy'n angenrheidiol i sicrhau ei fod yn cael ei ddiweddaru.

(6) Os y'i cyfarwyddir gan yr awdurdod diogelwch adeiladau i wneud hynny, rhaid i'r prif berson atebol ddiwygio'r adroddiad achos diogelwch yn unol â'r cyfarwyddyd.

(7) Cyn gynted â phosibl ar ôl diwygio'r adroddiad achos diogelwch o dan is-adran (5) neu (6), rhaid i'r prif berson atebol roi i'r awdurdod diogelwch adeiladau—

(a) copi o'r adroddiad diwygiedig, a

(b) hysbysiad yn crynhoi'r diwygiadau.

(8) Caiff Gweinidogion Cymru drwy reoliadau—

(a) gwneud darpariaeth bellach ynghylch cynnwys adroddiad achos diogelwch neu hysbysiad o dan is-adran (7)(b);

(b) gwneud darpariaeth ynghylch ffurf adroddiad neu hysbysiad;

(c) gwneud darpariaeth ynghylch sut y mae rhaid rhoi copi o adroddiad neu hysbysiad.

Cofnodi ac adrodd mewn perthynas â risgiau diogelwch adeilad

38 System cofnodi achlysuron: dyletswydd prif berson atebol

(1) Rhaid i'r prif berson atebol ar gyfer adeilad categori 1 a feddiennir sefydlu a gweithredu system cofnodi achlysuron at ddiben galluogi'r personau atebol ar gyfer yr adeilad i gydymffurfio ag adran 39 (adrodd i awdurdod diogelwch adeiladau ac awdurdod diogelwch tân).

(2) Mae "system cofnodi achlysuron" yn system ar gyfer—

(a) cael a chofnodi gwybodaeth am ddigwyddiadau neu sefyllfaoedd sy'n deillio o risgiau diogelwch adeilad sy'n ymwneud â'r adeilad, sy'n arwain at risgiau diogelwch o'r fath neu sy'n gysylltiedig fel arall â hwy, a

(b) rhoi'r wybodaeth honno i bersonau atebol ar gyfer yr adeilad.

(3) Rhaid i'r prif berson atebol sefydlu'r system cofnodi achlysuron a dechrau ei gweithredu cyn gynted â phosibl ar ôl i'r diweddaraf o'r digwyddiadau a ganlyn ddigwydd—

(a) bod yr adeilad yn cael ei feddiannu;

(3) The principal accountable person must prepare the safety case report as soon as reasonably practicable after the latest of the following events occurs—

(a) the building becomes occupied;

(b) the building becomes a category 1 building;

(c) the person becomes the principal accountable person for the building;

(d) this section comes into force.

(4) As soon as possible after preparing the safety case report, the principal accountable person must give a copy of it to the building safety authority for the building.

(5) The principal accountable person must—

(a) keep the safety case report under review, and

(b) make any revisions to the report that are necessary to ensure that it is kept up to date.

(6) If directed to do so by the building safety authority, the principal accountable person must revise the safety case report in accordance with the direction.

(7) As soon as possible after revising the safety case report under subsection (5) or (6), the principal accountable person must give to the building safety authority—

(a) a copy of the revised report, and

(b) a notice summarising the revisions.

(8) The Welsh Ministers may by regulations—

(a) make further provision about the content of a safety case report or a notice under subsection (7)(b);

(b) make provision about the form of a report or notice;

(c) make provision about how a copy of a report or a notice must be given.

Recording and reporting in relation to building safety risks

38 Occurrence recording system: duty of principal accountable person

(1) The principal accountable person for an occupied category 1 building must establish and operate an occurrence recording system for the purpose of enabling the accountable persons for the building to comply with section 39 (reporting to building safety authority and fire safety authority).

(2) An "occurrence recording system" is a system for—

(a) receiving and recording information about incidents or situations that result from, give rise to or are otherwise connected with building safety risks relating to the building, and

(b) giving that information to accountable persons for the building.

(3) The principal accountable person must establish and start to operate the occurrence recording system as soon as possible after the latest of the following events occurs—

(a) the building becomes occupied;

(b) bod yr adeilad yn dod yn adeilad categori 1;

(c) bod y person yn dod yn brif berson atebol ar gyfer yr adeilad;

(d) bod yr adran hon yn dod i rym.

(4) Rhaid i system cofnodi achlysuron ar gyfer adeilad gydymffurfio ag unrhyw ofynion a osodir drwy reoliadau a wneir gan Weinidogion Cymru.

(5) Caiff y gofynion hynny, yn benodol, gynnwys gofynion sy'n ymwneud ag—

(a) y digwyddiadau neu'r sefyllfaoedd y mae gwybodaeth i'w chael amdanynt;

(b) y personau y mae gwybodaeth i'w chael oddi wrthynt (er enghraifft, preswylwyr neu bersonau atebol);

(c) sut y mae gwybodaeth i'w chael a'i chofnodi;

(d) asesu gwybodaeth a geir;

(e) adolygu systemau cofnodi achlysuron.

39 Adrodd i awdurdodau: dyletswydd person atebol

(1) Rhaid i berson atebol ar gyfer adeilad categori 1 a feddiennir, yn unol â rheoliadau a wneir gan Weinidogion Cymru, roi gwybodaeth diogelwch adeiladau berthnasol i—

(a) awdurdod diogelwch adeiladau yr adeilad, a

(b) awdurdod diogelwch tân yr adeilad.

(2) Yn yr adran hon, ystyr "gwybodaeth diogelwch adeiladau berthnasol" yw gwybodaeth am risgiau diogelwch adeilad sy'n ymwneud â'r rhan o'r adeilad y mae'r person atebol yn gyfrifol amdani.

(3) Rhaid i reoliadau o dan is-adran (1) bennu, yn benodol—

(a) yr wybodaeth diogelwch adeiladau berthnasol y mae rhaid ei rhoi;

(b) o dan ba amgylchiadau y mae rhaid iddi gael ei rhoi;

(c) erbyn pryd y mae rhaid ei rhoi.

(4) Caiff y rheoliadau wneud darpariaeth ynghylch sut y mae rhaid rhoi'r wybodaeth.

(5) Mae person atebol ar gyfer adeilad categori 1 yn cyflawni trosedd os yw'r person yn methu heb esgus rhesymol â chydymffurfio ag is-adran (1).

(6) Mae person sy'n euog o drosedd o dan is-adran (5) yn agored ar euogfarn ddiannod, neu ar euogfarn ar ddditiad, i ddirwy.

(7) Nid yw gwybodaeth y mae person yn ei rhoi i awdurdod diogelwch adeiladau neu awdurdod diogelwch tân o dan yr adran hon yn dderbyniadwy mewn tystiolaeth yn erbyn y person mewn achos troseddol ac eithrio—

(a) mewn achos am drosedd o dan yr adran hon,

(b) mewn achos am drosedd o dan adran 108 (darparu gwybodaeth anwir neu gamarweiniol),

(c) mewn achos am drosedd o wyrdroi cwrs cyfiawnder, neu

(d) os yn yr achos—

(b) the building becomes a category 1 building;

(c) the person becomes the principal accountable person for the building;

(d) this section comes into force.

(4) An occurrence recording system for a building must comply with any requirements imposed by regulations made by the Welsh Ministers.

(5) Those requirements may, in particular, include requirements relating to—

(a) the incidents or situations about which information is to be received;

(b) the persons from whom information is to be received (for example, residents or accountable persons);

(c) how information is to be received and recorded;

(d) the assessment of information that is received;

(e) the review of occurrence recording systems.

39 Reporting to authorities: duty of accountable person

(1) An accountable person for an occupied category 1 building must, in accordance with regulations made by the Welsh Ministers, give relevant building safety information to—

(a) the building safety authority for the building, and

(b) the fire safety authority for the building.

(2) In this section, "relevant building safety information" means information about building safety risks relating to the part of the building for which the accountable person is responsible.

(3) Regulations under subsection (1) must, in particular, specify—

(a) the relevant building safety information that must be given;

(b) the circumstances in which it must be given;

(c) the time by which it must be given.

(4) The regulations may make provision about how the information must be given.

(5) An accountable person for a category 1 building commits an offence if the person fails without reasonable excuse to comply with subsection (1).

(6) A person guilty of an offence under subsection (5) is liable on summary conviction, or on conviction on indictment, to a fine.

(7) Information that a person gives to a building safety authority or a fire safety authority under this section is not admissible in evidence against the person in criminal proceedings except—

(a) in proceedings for an offence under this section,

(b) in proceedings for an offence under section 108 (providing false or misleading information),

(c) in proceedings for an offence of perverting the course of justice, or

(d) if in the proceedings—

(i) wrth roi tystiolaeth, bod y person yn gwneud datganiad sy'n anghyson â'r wybodaeth, a

(ii) y caiff tystiolaeth sy'n ymwneud â'r wybodaeth a roddwyd ei dwyn, neu y gofynnir cwestiwn sy'n ymwneud â'r wybodaeth honno, gan neu ar ran y person.

Strategaethau ymgysylltu â phreswylwyr

40 Llunio ac adolygu strategaeth ymgysylltu â phreswylwyr gan brif berson atebol

(1) Rhaid i'r prif berson atebol ar gyfer adeilad categori 1 a feddiennir—

(a) llunio strategaeth ar gyfer hyrwyddo cyfranogiad personau perthnasol mewn penderfyniadau diogelwch adeilad mewn perthynas â'r adeilad, a

(b) gweithredu yn unol â'r strategaeth.

(2) Cyfeirir at strategaeth a luniwyd o dan is-adran (1)(a) yn y Ddeddf hon fel "strategaeth ymgysylltu â phreswylwyr".

(3) Yn yr adran hon—

ystyr "penderfyniad diogelwch adeilad" ("*building safety decision*") yw penderfyniad gan berson atebol ar gyfer adeilad sydd—

(a) yn ymwneud â rheoli'r adeilad, a

(b) yn cael ei wneud mewn cysylltiad â chyflawni dyletswydd y person atebol o dan y Ddeddf hon neu reoliadau a wneir oddi tani;

ystyr "personau perthnasol" ("*relevant persons*") yw—

(a) preswylwyr sy'n oedolion yn yr adeilad, a

(b) perchnogion unedau preswyl yn yr adeilad.

(4) Rhaid i'r strategaeth ymgysylltu â phreswylwyr ar gyfer adeilad gynnwys gwybodaeth am—

(a) yr wybodaeth a fydd yn cael ei rhoi i bersonau perthnasol am benderfyniadau diogelwch adeilad,

(b) yr agweddau ar y penderfyniadau hynny y bydd personau perthnasol yn cael eu ymgynghori amdanynt,

(c) y trefniadau ar gyfer cael ac ystyried barn personau perthnasol,

(d) sut y bydd priodoldeb dulliau ar gyfer hyrwyddo cyfranogiad yn cael ei fesur a'i gadw o dan adolygiad, ac

(e) unrhyw faterion eraill a bennir mewn rheoliadau.

(5) Rhaid i'r prif berson atebol lunio'r strategaeth ymgysylltu â phreswylwyr cyn gynted â phosibl ar ôl i'r diweddaraf o'r digwyddiadau a ganlyn ddigwydd—

(a) bod yr adeilad yn cael ei feddiannu;

(b) bod yr adeilad yn dod yn adeilad categori 1;

(c) bod y person yn dod yn brif berson atebol ar gyfer yr adeilad;

(d) bod yr adran hon yn dod i rym.

(i) in giving evidence the person makes a statement inconsistent with the information, and

(ii) evidence relating to the information that was given is adduced, or a question relating to it is asked, by or on behalf of the person.

Residents' engagement strategies

40 Preparation and review of residents' engagement strategy by principal accountable person

(1) The principal accountable person for an occupied category 1 building must—

(a) prepare a strategy for promoting the participation of relevant persons in building safety decisions in relation to the building, and

(b) act in accordance with the strategy.

(2) A strategy prepared under subsection (1)(a) is referred to in this Act as a "residents' engagement strategy".

(3) In this section—

"building safety decision" ("*penderfyniad diogelwch adeilad*") means a decision by an accountable person for a building that—

(a) is about the management of the building, and

(b) is made in connection with the performance of a duty of the accountable person under this Act or regulations made under it;

"relevant persons" ("*personau perthnasol*") means—

(a) adult residents of the building, and

(b) owners of residential units in the building.

(4) The residents' engagement strategy for a building must include information about—

(a) the information that will be given to relevant persons about building safety decisions,

(b) the aspects of those decisions that relevant persons will be consulted about,

(c) the arrangements for obtaining and taking account of the views of relevant persons,

(d) how the appropriateness of methods for promoting participation will be measured and kept under review, and

(e) any other matters specified in regulations.

(5) The principal accountable person must prepare the residents' engagement strategy as soon as possible after the latest of the following events occurs—

(a) the building becomes occupied;

(b) the building becomes a category 1 building;

(c) the person becomes the principal accountable person for the building;

(d) this section comes into force.

(6) Wrth lunio'r strategaeth ymgysylltu â phreswylwyr rhaid i'r prif berson atebol—

(a) ymgynghori â phersonau perthnasol, ac unrhyw bersonau eraill a bennir mewn rheoliadau, ynghylch cynnwys arfaethedig y strategaeth, a

(b) ystyried unrhyw sylwadau a wnaed mewn ymateb i'r ymgynghoriad.

(7) Rhaid i'r prif berson atebol—

(a) adolygu'r strategaeth ymgysylltu â phreswylwyr ar yr adegau a bennir mewn rheoliadau, a

(b) diwygio'r strategaeth os yw'r person yn ystyried ei bod yn angenrheidiol neu'n briodol gwneud hynny.

(8) Rhaid i'r prif berson atebol—

(a) o dan yr amgylchiadau a bennir mewn rheoliadau, ymgynghori â phersonau perthnasol, ac unrhyw bersonau eraill a bennir mewn rheoliadau, ynghylch diwygiadau arfaethedig i'r strategaeth, a

(b) ystyried unrhyw sylwadau a wnaed mewn ymateb i'r ymgynghoriad.

(9) Caiff rheoliadau wneud darpariaeth ynghylch—

(a) llunio, adolygu neu ddiwygio'r strategaeth ymgysylltu â phreswylwyr ar gyfer adeilad pan fo mwy nag un person atebol ar gyfer yr adeilad;

(b) cynnal ymgynghoriadau o dan yr adran hon neu reoliadau a wneir oddi tani.

(10) Mae Rheoliadau o dan yr adran hon i'w gwneud gan Weinidogion Cymru.

41 Darparu copïau o'r strategaeth gan bersonau atebol

(1) Cyn gynted â phosibl ar ôl i'r strategaeth ymgysylltu â phreswylwyr ar gyfer adeilad categori 1 gael ei llunio neu ei diwygio o dan adran 40—

(a) os oes mwy nag un person atebol ar gyfer yr adeilad, rhaid i'r prif berson atebol roi copi o'r strategaeth i bob person atebol arall;

(b) rhaid i bob person atebol ar gyfer yr adeilad roi copi o'r strategaeth i—

(i) pob preswylydd sy'n oedolyn yn y rhan o'r adeilad y mae'r person atebol yn gyfrifol amdani,

(ii) pob perchennog uned breswyl yn y rhan honno o'r adeilad, a

(iii) unrhyw berson arall a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.

(2) Nid yw is-adran (1)(b) yn ei gwneud yn ofynnol i'r person atebol roi copi o'r strategaeth i breswylydd—

(a) os nad yw'r person atebol yn ymwybodol o'r preswylydd, a

(b) os yw'r person atebol wedi cymryd pob cam rhesymol i adnabod preswylwyr sy'n oedolion yn y rhan o'r adeilad y mae'r person yn gyfrifol amdani.

(3) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch sut y mae copi o'r strategaeth ymgysylltu â phreswylwyr i'w rhoi.

(6) When preparing the residents' engagement strategy the principal accountable person must—

(a) consult relevant persons, and any other persons specified in regulations, about the proposed contents of the strategy, and

(b) take into account any representations made in response to the consultation.

(7) The principal accountable person must—

(a) review the residents' engagement strategy at the times specified in regulations, and

(b) revise the strategy if the person considers it necessary or appropriate to do so.

(8) The principal accountable person must—

(a) in the circumstances specified in regulations, consult relevant persons, and any other persons specified in regulations, about proposed revisions to the strategy, and

(b) take any representations made in response to the consultation into account.

(9) Regulations may make provision about—

(a) the preparation, review or revision of the residents' engagement strategy for a building where there is more than one accountable person for the building;

(b) the carrying out of consultations under this section or regulations made under it.

(10) Regulations under this section are to be made by the Welsh Ministers.

41 Provision of copies of strategy by accountable persons

(1) As soon as possible after the residents' engagement strategy for a category 1 building is prepared or revised under section 40—

(a) if there is more than one accountable person for the building, the principal accountable person must give a copy of the strategy to every other accountable person;

(b) each accountable person for the building must give a copy of the strategy to—

(i) each adult resident of the part of the building for which the accountable person is responsible,

(ii) each owner of a residential unit in that part of the building, and

(iii) any other person specified in regulations made by the Welsh Ministers.

(2) Subsection (1)(b) does not require the accountable person to give a copy of the strategy to a resident if the accountable person—

(a) is not aware of the resident, and

(b) has taken all reasonable steps to identify adult residents of the part of the building for which the person is responsible.

(3) The Welsh Ministers may by regulations make provision about how a copy of the residents' engagement strategy is to be given.

Tystysgrifau adeilad

42 Dyletswydd prif berson atebol i wneud cais am dystysgrif adeilad

(1) Mae'r adran hon yn gymwys i adeilad categori 1 sydd wedi ei gofrestru ac wedi ei feddiannu.

(2) Caiff awdurdod diogelwch adeiladau yr adeilad ar unrhyw adeg gyfarwyddo'r prif berson atebol ar gyfer yr adeilad i wneud cais i'r awdurdod ddyroddi tystysgrif adeilad o dan adran 44.

(3) Rhaid i'r prif berson atebol wneud cais i'r awdurdod am dystysgrif adeilad mewn perthynas â'r adeilad o fewn 28 o ddiwrnodau gan ddechrau â'r diwrnod drannoeth y diwrnod y rhoddir y cyfarwyddyd.

(4) Pan fo awdurdod diogelwch adeiladau wedi dyroddi tystysgrif adeilad mewn perthynas ag adeilad y mae'r adran hon yn gymwys iddo, rhaid i'r prif berson atebol ar gyfer yr adeilad wneud cais i'r awdurdod am dystysgrif adeilad bellach o fewn 5 mlynedd gan ddechrau â'r diwrnod y dyroddwyd y dystysgrif ddiweddaraf (pa un a yw'r awdurdod yn cyfarwyddo'r person i wneud hynny ai peidio).

(5) Mae'r prif berson atebol ar gyfer adeilad y mae'r adran hon yn gymwys iddo yn cyflawni trosedd os yw'r person yn methu heb esgus rhesymol â chydymffurfio ag is-adran (3) neu (4).

(6) Mae person sy'n euog o drosedd o dan is-adran (5) yn agored—

(a) ar euogfarn ddiannod, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na'r terfyn cymwys o dan adran 224(1A)(b) o'r Cod Dedfrydu, neu'r ddau;

(b) ar euogfarn ar dditiad, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na 2 flynedd, neu'r ddau.

(7) Mae person sydd wedi ei euogfarnu o drosedd o dan is-adran (5) yn cyflawni trosedd bellach os yw'r person yn parhau i fethu â chydymffurfio ag is-adran (3) neu (4) (yn ôl y digwydd) ar ôl yr euogfarn.

(8) Mae person sy'n euog o drosedd o dan is-adran (7) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 1 ar y raddfa safonol ar gyfer pob diwrnod y mae'r methiant yn parhau.

(9) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio'r cyfnod o amser a bennir yn is-adran (4).

43 Ceisiadau am dystysgrifau: gweithdrefn

(1) Rhaid i brif berson atebol sy'n gwneud cais am dystysgrif adeilad mewn perthynas ag adeilad categori 1 gynnwys gyda'r cais—

(a) copi o'r adroddiad achos diogelwch cyfredol ar gyfer yr adeilad, oni bai bod copi eisoes wedi ei roi i'r awdurdod diogelwch adeiladau o dan adran 37;

(b) gwybodaeth a bennir mewn rheoliadau a wneir gan Weinidogion Cymru ynghylch y system cofnodi achlysuron a weithredir gan y prif berson atebol (gweler adran 38);

(c) copi o'r strategaeth ymgysylltu â phreswylwyr gyfredol ar gyfer yr adeilad (gweler adrannau 40 a 41);

Building certificates

42 Duty of principal accountable person to apply for building certificate

(1) This section applies to a category 1 building that is registered and occupied.

(2) The building safety authority for the building may at any time direct the principal accountable person for the building to apply to the authority for the issue of a building certificate under section 44.

(3) The principal accountable person must apply to the authority for a building certificate in relation to the building within 28 days beginning with the day after the day on which the direction is given.

(4) Where a building safety authority has issued a building certificate in relation to a building to which this section applies, the principal accountable person for the building must apply to the authority for a further building certificate within 5 years beginning with the day on which the most recent certificate was issued (whether or not the authority directs the person to do so).

(5) The principal accountable person for a building to which this section applies commits an offence if the person fails without reasonable excuse to comply with subsection (3) or (4).

(6) A person guilty of an offence under subsection (5) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(7) A person who has been convicted of an offence under subsection (5) commits a further offence if the person continues to fail to comply with subsection (3) or (4) (as the case may be) after the conviction.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 1 on the standard scale for each day on which the failure continues.

(9) The Welsh Ministers may by regulations amend the period of time specified in subsection (4).

43 Applications for certificates: procedure

(1) A principal accountable person who applies for a building certificate in relation to a category 1 building must include with the application—

(a) a copy of the current safety case report for the building, unless a copy has already been given to the building safety authority under section 37;

(b) information specified in regulations made by the Welsh Ministers about the occurrence recording system operated by the principal accountable person (see section 38);

(c) a copy of the current residents' engagement strategy for the building (see sections 40 and 41);

(d) gwybodaeth a bennir mewn rheoliadau a wneir gan Weinidogion Cymru am yr hyn y mae pob person atebol ar gyfer yr adeilad wedi ei wneud i gydymffurfio â'r dyletswyddau a osodir arnynt o dan adran 49 (darparu gwybodaeth neu ddogfennau i bersonau eraill).

(2) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth bellach ynghylch ceisiadau am dystysgrifau adeilad.

(3) Caiff y ddarpariaeth honno, yn benodol, gynnwys darpariaeth ynghylch—

(a) sut y mae rhaid gwneud cais;

(b) ffurf a chynnwys cais;

(c) unrhyw beth arall y mae rhaid ei gynnwys gyda chais (yn ychwanegol at yr wybodaeth a'r dogfennau a grybwyllir yn is-adran (1));

(d) amgylchiadau pryd y caniateir tynnu cais yn ôl neu ei drin fel pe bai'n cael ei dynnu'n ôl;

(e) sut y caniateir tynnu cais yn ôl.

44 Penderfynu ar geisiadau a dyroddi tystysgrifau

(1) Mae'r adran hon yn gymwys pan fo'r prif berson atebol ar gyfer adeilad categori 1 yn gwneud cais am dystysgrif adeilad o dan adran 42(3) neu (4).

(2) Rhaid i'r awdurdod diogelwch adeiladau asesu pa un a chydymffurfir â'r dyletswyddau perthnasol mewn perthynas â'r adeilad (a chaiff yr awdurdod arolygu'r adeilad mewn cysylltiad â'r asesiad hwnnw).

(3) Os yw'r awdurdod wedi ei fodloni y cydymffurfir â'r holl ddyletswyddau perthnasol, rhaid iddo ddyroddi tystysgrif adeilad mewn perthynas â'r adeilad.

(4) Os nad yw'r awdurdod wedi ei fodloni y cydymffurfir â'r holl ddyletswyddau perthnasol, rhaid iddo wrthod y cais a rhoi hysbysiad i'r prif berson atebol o'r gwrthodiad; ond mae hyn yn ddarostyngedig i is-adran (5).

(5) Os yw'r awdurdod yn ystyried y gellir unioni methiant i gydymffurfio â dyletswydd berthnasol yn brydlon—

(a) caiff roi hysbysiad i'r prif berson atebol sy'n cynnwys disgrifiad byr o'r methiant a phennu cyfnod i'w unioni, a

(b) os yw'r methiant yn cael ei unioni o fewn y cyfnod hwnnw, caiff yr awdurdod ddyroddi tystysgrif adeilad (yn lle gwrthod y cais).

(6) Yn yr adran hon ystyr "dyletswydd berthnasol" yw dyletswydd a osodir ar berson atebol ar gyfer yr adeilad gan neu o dan—

(a) adrannau 29 i 35 (asesu a rheoli risgiau diogelwch adeilad);

(b) adran 37 (adroddiad achos diogelwch);

(c) adrannau 38 a 39 (adrodd mewn perthynas â risgiau diogelwch adeilad);

(d) adran 40 a 41 (strategaeth ymgysylltu â phreswylwyr);

(e) adran 49 (darparu gwybodaeth a dogfennau i bersonau eraill).

(7) Rhaid i hysbysiad o wrthod cais am dystysgrif adeilad gynnwys gwybodaeth am yr hawl i gael adolygiad o dan adran 64.

(d) information specified in regulations made by the Welsh Ministers about what each accountable person for the building has done to comply with the duties imposed on them under section 49 (provision of information or documents to other persons).

(2) The Welsh Ministers may by regulations make further provision about applications for building certificates.

(3) That provision may, in particular, include provision about—

(a) how an application must be made;

(b) the form and content of an application;

(c) anything else that must be included with an application (in addition to the information and documents mentioned in subsection (1));

(d) circumstances in which an application may be withdrawn or treated as withdrawn;

(e) how an application may be withdrawn.

44 Determination of applications and issue of certificates

(1) This section applies where the principal accountable person for a category 1 building makes an application for a building certificate under section 42(3) or (4).

(2) The building safety authority must assess whether the relevant duties are being complied with in relation to the building (and the authority may inspect the building in connection with that assessment).

(3) If the authority is satisfied that all of the relevant duties are being complied with, it must issue a building certificate in relation to the building.

(4) If the authority is not satisfied that all of the relevant duties are being complied with, it must refuse the application and give the principal accountable person notice of the refusal; but this is subject to subsection (5).

(5) If the authority considers that a failure to comply with a relevant duty can be remedied promptly—

(a) it may give a notice to the principal accountable person containing a brief description of the failure and specifying a period for remedying it, and

(b) if the failure is remedied within that period, the authority may issue a building certificate (instead of refusing the application).

(6) In this section "relevant duty" means a duty imposed on an accountable person for the building by or under—

(a) sections 29 to 35 (assessment and management of building safety risks);

(b) section 37 (safety case report);

(c) sections 38 and 39 (reporting in relation to building safety risks);

(d) section 40 and 41 (residents' engagement strategy);

(e) section 49 (provision of information and documents to other persons).

(7) A notice of the refusal of an application for a building certificate must include information about the right of review under section 64.

(8) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth bellach ynghylch tystysgrifau adeilad a hysbysiadau o dan yr adran hon.

(9) Caiff y ddarpariaeth honno, yn benodol, gynnwys darpariaeth ynghylch—

(a) ffurf a chynnwys tystysgrif neu hysbysiad;

(b) sut y mae tystysgrif i'w dyroddi neu y mae hysbysiad i'w roi.

45 Dyletswydd prif berson atebol i arddangos tystysgrif a gwybodaeth gysylltiedig

(1) Rhaid i'r prif berson atebol ar gyfer adeilad categori 1 y mae adran 42 yn gymwys iddo sicrhau bod yr hyn a ganlyn yn cael eu harddangos gyda'i gilydd mewn lle amlwg yn yr adeilad—

(a) copi o'r dystysgrif adeilad ddiweddaraf sy'n ymwneud â'r adeilad;

(b) hysbysiad sy'n cydymffurfio ag is-adran (4);

(c) os oes hysbysiad cydymffurfio perthnasol (o fewn yr ystyr a roddir gan is-adran (9)), gopi o'r datganiad o dan adran 96(4) sy'n crynhoi'r hysbysiad cydymffurfio.

(2) Nid yw is-adran (1) yn gymwys os yw gorchymyn mesurau arbennig mewn grym mewn perthynas â'r adeilad.

(3) Pan fo gorchymyn o'r fath mewn grym, rhaid i'r prif berson atebol ar gyfer yr adeilad sicrhau—

(a) nad oes tystysgrif adeilad sy'n ymwneud â'r adeilad, neu gopi o dystysgrif o'r fath, yn cael ei harddangos neu ei arddangos yn yr adeilad;

(b) bod yr hyn a ganlyn yn cael eu harddangos gyda'i gilydd mewn lle amlwg yn yr adeilad—

(i) hysbysiad sy'n cydymffurfio ag is-adran (4);

(ii) os oes hysbysiad cydymffurfio perthnasol a roddwyd i berson atebol nad yw'r gorchymyn yn gymwys iddo, gopi o'r datganiad o dan adran 96(4) sy'n crynhoi'r hysbysiad cydymffurfio.

(4) Mae hysbysiad yn cydymffurfio â'r is-adran hon os yw—

(a) ar y ffurf a bennir mewn rheoliadau a wneir gan Weinidogion Cymru, a

(b) yn cynnwys gwybodaeth a bennir mewn rheoliadau a wneir gan Weinidogion Cymru sy'n ymwneud ag—

(i) y personau atebol ar gyfer yr adeilad, a

(ii) os oes gorchymyn mesurau arbennig mewn grym mewn perthynas â'r adeilad, rheolwr mesurau arbennig yr adeilad.

(5) Mae'r prif berson atebol ar gyfer adeilad categori 1 y mae adran 42 yn gymwys iddo yn cyflawni trosedd os yw'r person yn methu heb esgus rhesymol â chydymffurfio ag is-adran (1) neu (3).

(6) Mae person sy'n euog o drosedd o dan is-adran (5) yn agored—

(a) ar euogfarn ddiannod, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na'r terfyn cymwys o dan adran 224(1A)(b) o'r Cod Dedfrydu, neu'r ddau;

(8) The Welsh Ministers may by regulations make further provision about building certificates and notices under this section.

(9) That provision may, in particular, include provision about—

(a) the form and content of a certificate or notice;

(b) how a certificate is to be issued or a notice is to be given.

45 Duty of principal accountable person to display certificate and related information

(1) The principal accountable person for a category 1 building to which section 42 applies must ensure that the following are displayed together in a conspicuous place in the building—

(a) a copy of the most recent building certificate relating to the building;

(b) a notice complying with subsection (4);

(c) if there is a relevant compliance notice (within the meaning given by subsection (9)), a copy of the statement under section 96(4) summarising the compliance notice.

(2) Subsection (1) does not apply if a special measures order is in force in relation to the building.

(3) Where such an order is in force, the principal accountable person for the building must ensure—

(a) that no building certificate relating to the building, or copy of such a certificate, is displayed in the building;

(b) that the following are displayed together in a conspicuous place in the building—

(i) a notice complying with subsection (4);

(ii) if there is a relevant compliance notice that was given to an accountable person to whom the order does not apply, a copy of the statement under section 96(4) summarising the compliance notice.

(4) A notice complies with this subsection if—

(a) it is in the form specified in regulations made by the Welsh Ministers, and

(b) it contains information specified in regulations made by the Welsh Ministers relating to—

(i) the accountable persons for the building, and

(ii) if a special measures order is in force in relation to the building, the special measures manager for the building.

(5) The principal accountable person for a category 1 building to which section 42 applies commits an offence if the person fails without reasonable excuse to comply with subsection (1) or (3).

(6) A person guilty of an offence under subsection (5) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) ar euogfarn ar dditiad, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na 2 flynedd, neu'r ddau.

(7) Mae person sydd wedi ei euogfarnu o drosedd o dan is-adran (5) yn cyflawni trosedd bellach os yw'r person yn parhau i fethu â chydymffurfio ag is-adran (1) neu (3) (yn ôl y digwydd) ar ôl yr euogfarn.

(8) Mae person sy'n euog o drosedd o dan is-adran (7) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 1 ar y raddfa safonol ar gyfer pob diwrnod y mae'r methiant yn parhau.

(9) Mae hysbysiad cydymffurfio yn "perthnasol" at ddibenion yr adran hon os yw awdurdod gorfodi—

(a) wedi rhoi'r hysbysiad i berson atebol ar gyfer yr adeilad categori 1,

(b) mewn achos pan na roddodd yr hysbysiad i'r prif berson atebol ar gyfer yr adeilad, wedi rhoi copi i'r prif berson atebol, ac

(c) heb hysbysu'r prif berson atebol bod yr hysbysiad wedi ei dynnu'n ôl.

PENNOD 6

YMGYSYLLTU Â PHRESWYLWYR ADEILADAU CATEGORI 2 A FEDDIENNIR

46 Adeiladau categori 2: strategaethau ymgysylltu â phreswylwyr

(1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth mewn perthynas ag adeiladau categori 2 sy'n cyfateb neu'n debyg i unrhyw ddarpariaeth a wneir gan adran 40 neu 41 (strategaethau ymgysylltu â phreswylwyr), neu y gellid ei gwneud drwy reoliadau o dan yr adrannau hynny, mewn perthynas ag adeiladau categori 1.

(2) Caiff y rheoliadau wneud diwygiadau canlyniadol i unrhyw ddeddfiad (gan gynnwys y Ddeddf hon).

PENNOD 7

GWYBODAETH A CHWYNION

Dyletswyddau i gadw a darparu gwybodaeth a dogfennau

47 Dyletswydd i roi gwybodaeth a dogfennau i bersonau atebol

(1) Pan fo'r is-adran hon yn gymwys, rhaid i berson sy'n berson perthnasol mewn perthynas ag adeilad rheoleiddiedig roi gwybodaeth neu ddogfen i berson atebol ("P") ar gyfer yr adeilad (gweler hefyd erthygl 22D o'r Gorchymyn Diogelwch Tân).

(2) At ddibenion yr adran hon, mae person yn berson perthnasol mewn perthynas ag adeilad rheoleiddiedig os yw'r person—

(a) yn berson atebol ar gyfer yr adeilad;

(b) yn ddeiliad dyletswydd ar gyfer tŷ amlfeddiannaeth perthnasol yn yr adeilad;

(c) yn dal ystad gyfreithiol yn unrhyw ran o'r adeilad;

(d) yn dal ystad gyfreithiol yn unrhyw ran o fangre sy'n ffurfio rhan o'r un strwythur neu set o strwythurau â'r adeilad ac sy'n gyfan gwbl neu'n rhannol uwch ben neu o dan yr adeilad.

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(7) A person who has been convicted of an offence under subsection (5) commits a further offence if the person continues to fail to comply with subsection (1) or (3) (as the case may be) after the conviction.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 1 on the standard scale for each day on which the failure continues.

(9) A compliance notice is "relevant" for the purposes of this section if an enforcing authority—

(a) gave the notice to an accountable person for the category 1 building,

(b) in a case where it did not give the notice to the principal accountable person for the building, has given a copy to the principal accountable person, and

(c) has not notified the principal accountable person that the notice has been withdrawn.

CHAPTER 6

ENGAGEMENT WITH RESIDENTS OF OCCUPIED CATEGORY 2 BUILDINGS

46 Category 2 buildings: residents' engagement strategies

(1) The Welsh Ministers may by regulations make provision in relation to category 2 buildings corresponding or similar to any provision that is made by section 40 or 41 (residents' engagement strategies), or that could be made by regulations under those sections, in relation to category 1 buildings.

(2) The regulations may make consequential amendments to any enactment (including this Act).

CHAPTER 7

INFORMATION AND COMPLAINTS

Duties to keep and provide information and documents

47 Duty to give information and documents to accountable persons

(1) Where this subsection applies, a person who is a relevant person in relation to a regulated building must give information or a document to an accountable person ("P") for the building (see also article 22D of the Fire Safety Order).

(2) For the purposes of this section a person is a relevant person in relation to a regulated building if the person—

(a) is an accountable person for the building;

(b) is a duty holder for a relevant HMO in the building;

(c) holds a legal estate in any part of the building;

(d) holds a legal estate in any part of premises that form part of the same structure or set of structures as the building and are wholly or partly above or below the building.

(3) Mae is-adran (1) yn gymwys pan—

(a) bo'r wybodaeth neu'r ddogfen yn angenrheidiol i P gydymffurfio â gofyniad o dan y Ddeddf hon neu reoliadau a wneir oddi tani,

(b) bo P yn rhoi i'r person perthnasol gais ysgrifenedig sy'n—

(i) nodi y gwneir y cais yn unol â'r adran hon,

(ii) esbonio pam y mae'r wybodaeth neu'r ddogfen yn ofynnol gan P,

(iii) datgan y cyfeiriad y mae rhaid rhoi'r wybodaeth neu'r ddogfen iddo, a

(iv) datgan bod rhaid rhoi'r wybodaeth neu'r ddogfen cyn diwedd dyddiad penodedig heb fod yn llai na 14 o ddiwrnodau ar ôl y diwrnod y rhoddir y cais,

(c) bo'n rhesymol i'r person perthnasol roi i P yr wybodaeth neu'r ddogfen, a

(d) yn achos cais am wybodaeth, ni all P wneud cais am yr wybodaeth gan y person perthnasol o dan adran 54(4) neu 55(4) (dyletswyddau preswylwyr a pherchnogion).

(4) Nid yw datgelu gwybodaeth neu ddogfen yn unol â'r adran hon yn torri—

(a) unrhyw rwymedigaeth gyfrinachedd sy'n ddyledus gan y person sy'n gwneud y datgeliad, neu

(b) unrhyw gyfyngiad arall ar ddatgelu gwybodaeth neu ddogfen (sut bynnag y caiff ei osod).

(5) Ond gweler hefyd adran 183A o Ddeddf Diogelu Data 2018 (p. 12) (diogelu gofynion ar gyfer prosesu data personol).

(6) Yn yr adran hon, mae cyfeiriadau at berson atebol yn cynnwys person sy'n cael ei drin fel person atebol yn rhinwedd adran 36.

48 Dyletswydd person atebol i gadw gwybodaeth a dogfennau

(1) Rhaid i Weinidogion Cymru, drwy reoliadau, ei gwneud yn ofynnol i berson atebol ar gyfer adeilad rheoleiddiedig gadw—

(a) gwybodaeth berthnasol a bennir yn y rheoliadau;

(b) dogfennau perthnasol a bennir yn y rheoliadau.

(2) Caiff y rheoliadau, yn benodol, wneud darpariaeth ynghylch—

(a) pa gyfnod amser y mae rhaid cadw gwybodaeth berthnasol neu ddogfen berthnasol (a all gynnwys ei gwneud yn ofynnol iddi gael ei chadw am gyfnod amhenodol);

(b) sut y mae rhaid ei chadw;

(c) y ffurf y mae rhaid ei chadw ynddi.

(3) Caiff y rheoliadau osod gofynion yn ddarostyngedig i amodau neu eithriadau.

(4) Pan fo'n ofynnol i berson atebol gadw gwybodaeth berthnasol neu ddogfen berthnasol, ond nad oes ganddo yr wybodaeth neu'r ddogfen berthnasol, rhaid i'r person gael yr wybodaeth neu'r ddogfen oni bai nad yw'n ymarferol gwneud hynny.

(5) Rhaid i berson atebol y mae'n ofynnol iddo gadw gwybodaeth berthnasol, i'r graddau y bo'n bosibl, sicrhau bod yr wybodaeth yn gywir ac yn cael ei diweddaru.

(3) Subsection (1) applies where—

(a) the information or document is necessary for P to comply with a requirement under this Act or regulations made under it,

(b) P gives the relevant person a written request that—

(i) states that the request is made pursuant to this section,

(ii) explains why P requires the information or document,

(iii) states the address to which the information or document must be given, and

(iv) states that the information or document must be given before the end of a specified date no less than 14 days after the day on which the request is given,

(c) it is reasonable for the relevant person to give P the information or document, and

(d) in the case of a request for information, P cannot request the information from the relevant person under section 54(4) or 55(4) (duties of residents and owners).

(4) The disclosure of information or a document in accordance with this section does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information or a document (however imposed).

(5) But see also section 183A of the Data Protection Act 2018 (c. 12) (protection of requirements for processing personal data).

(6) In this section, references to an accountable person include a person who is treated as an accountable person by virtue of section 36.

48 Duty of accountable person to keep information and documents

(1) The Welsh Ministers must by regulations require an accountable person for a regulated building to keep—

(a) relevant information specified in the regulations;

(b) relevant documents specified in the regulations.

(2) The regulations may, in particular, make provision about—

(a) the time for which relevant information or a relevant document must be kept (which may include requiring it to be kept indefinitely);

(b) how it must be kept;

(c) the form in which it must be kept.

(3) The regulations may impose requirements subject to conditions or exceptions.

(4) Where an accountable person is required to keep relevant information or a relevant document, but does not have it, the person must obtain the information or the document unless it is not practicable to do so.

(5) An accountable person who is required to keep relevant information must so far as possible ensure that the information is accurate and is kept up to date.

(6) Yn yr adran hon—

(a) mae gwybodaeth a dogfennau yn "perthnasol" os ydynt yn ymwneud â rhan o adeilad y mae person atebol yn gyfrifol amdani;

(b) ac eithrio ym mharagraff (a) o'r is-adran hon, mae cyfeiriadau at berson atebol yn cynnwys person sy'n cael ei drin fel person atebol yn rhinwedd adran 36.

49 Dyletswydd person atebol i roi gwybodaeth a dogfennau i bersonau eraill

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

(2) Caiff y rheoliadau ei gwneud yn ofynnol i berson atebol ar gyfer adeilad rheoleiddiedig roi gwybodaeth berthnasol a bennir yn y rheoliadau, neu ddogfen berthnasol a bennir yn y rheoliadau, i—

(a) awdurdod diogelwch adeiladau yr adeilad;

(b) awdurdod diogelwch tân yr adeilad;

(c) person atebol arall ar gyfer yr adeilad;

(d) preswylwyr yr adeilad;

(e) perchnogion unedau preswyl yn yr adeilad;

(f) unrhyw bersonau eraill a bennir yn y rheoliadau.

(3) Caiff y rheoliadau, yn benodol, wneud darpariaeth ynghylch—

(a) pryd y mae rhaid rhoi gwybodaeth berthnasol neu ddogfen berthnasol;

(b) sut y mae rhaid ei rhoi;

(c) y ffurf y mae rhaid ei rhoi ynddi.

(4) Caiff y rheoliadau osod gofynion yn ddarostyngedig i amodau neu eithriadau.

(5) Caiff y rheoliadau, yn benodol—

(a) darparu ei bod yn ofynnol i berson atebol roi gwybodaeth berthnasol neu ddogfen berthnasol i berson dim ond os yw'r person wedi gofyn amdani;

(b) gwneud darpariaeth ynghylch sut y mae cais i'w wneud.

(6) Pan fo rheoliadau o dan yr adran hon yn ei gwneud yn ofynnol i wybodaeth berthnasol neu ddogfen berthnasol gael ei rhoi i awdurdod diogelwch adeiladau neu awdurdod diogelwch tân, cânt wneud darpariaeth ynghylch derbynioldeb yr wybodaeth neu'r ddogfen mewn unrhyw achos troseddol.

(7) Yn yr adran hon—

(a) mae gwybodaeth a dogfennau yn "perthnasol" os ydynt yn ymwneud â rhan o adeilad y mae person atebol yn gyfrifol amdani;

(b) ac eithrio ym mharagraff (a) o'r is-adran hon, mae cyfeiriadau at berson atebol yn cynnwys person sy'n cael ei drin fel person atebol yn rhinwedd adran 36.

(6) In this section—

(a) information and documents are "relevant" if they relate to a part of a building for which an accountable person is responsible;

(b) except in paragraph (a) of this subsection, references to an accountable person include a person who is treated as an accountable person by virtue of section 36.

49 Duty of accountable person to give information and documents to other persons

(1) The Welsh Ministers must by regulations make provision about the sharing of relevant information and relevant documents by accountable persons.

(2) The regulations may require an accountable person for a regulated building to give relevant information specified in the regulations, or a relevant document specified in the regulations, to—

(a) the building safety authority for the building;

(b) the fire safety authority for the building;

(c) another accountable person for the building;

(d) residents of the building;

(e) owners of residential units in the building;

(f) any other person specified in the regulations.

(3) The regulations may, in particular, make provision about—

(a) when relevant information or a relevant document must be given;

(b) how it must be given;

(c) the form in which it must be given.

(4) The regulations may impose requirements subject to conditions or exceptions.

(5) The regulations may, in particular—

(a) provide that an accountable person is required to give relevant information or a relevant document to a person only if the person has requested it;

(b) make provision about how a request is to be made.

(6) Where regulations under this section require relevant information or a relevant document to be given to a building safety authority or a fire safety authority, they may make provision about the admissibility of the information or document in any criminal proceedings.

(7) In this section—

(a) information and documents are "relevant" if they relate to a part of a building for which an accountable person is responsible;

(b) except in paragraph (a) of this subsection, references to an accountable person include a person who is treated as an accountable person by virtue of section 36.

50 Dyletswydd i roi gwybodaeth a dogfennau wrth i berson atebol newid

(1) Yn yr adran hon—

(a) ystyr "person atebol ymadawol" yw person atebol ar gyfer adeilad rheoleiddiedig sydd, ar unrhyw adeg, yn peidio â bod yn gyfrifol am yr adeilad cyfan neu unrhyw ran ohono;

(b) ystyr "olynydd" yw person sydd, yn union ar ôl yr adeg honno—

(i) yn berson atebol ar gyfer yr adeilad, a

(ii) yn gyfrifol am ran o'r adeilad y peidiodd y person atebol ymadawol â bod yn gyfrifol amdani ar yr adeg honno.

(2) Caiff Gweinidogion Cymru, drwy reoliadau, ei gwneud yn ofynnol i berson atebol ymadawol ar gyfer adeilad rheoleiddiedig roi gwybodaeth berthnasol a bennir yn y rheoliadau, neu ddogfennau perthnasol a bennir yn y rheoliadau, i—

(a) olynydd;

(b) awdurdod diogelwch adeiladau yr adeilad;

(c) awdurdod diogelwch tân yr adeilad.

(3) Caiff rheoliadau o dan yr adran hon, yn benodol, wneud darpariaeth ynghylch—

(a) pryd y mae rhaid rhoi gwybodaeth berthnasol neu ddogfen berthnasol;

(b) sut y mae rhaid ei rhoi;

(c) y ffurf y mae rhaid ei rhoi ynddi.

(4) Caiff y rheoliadau osod gofynion yn ddarostyngedig i amodau neu eithriadau.

(5) Mae person atebol ymadawol yn cyflawni trosedd os yw'r person yn methu heb esgus rhesymol â chydymffurfio â gofyniad a osodir gan reoliadau o dan yr adran hon.

(6) Mae person sy'n euog o drosedd o dan is-adran (5) yn agored—

(a) ar euogfarn ddiannod, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na'r terfyn cymwys o dan adran 224(1A)(b) o'r Cod Dedfrydu, neu'r ddau;

(b) ar euogfarn ar dditiad, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na 2 flynedd, neu'r ddau.

(7) Mae person sydd wedi ei euogfarnu o drosedd o dan is-adran (5) yn cyflawni trosedd bellach os yw'r person yn parhau i fethu â chydymffurfio â'r gofyniad o dan sylw ar ôl yr euogfarn.

(8) Mae person sy'n euog o drosedd o dan is-adran (7) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 1 ar y raddfa safonol ar gyfer pob diwrnod y mae'r methiant yn parhau.

(9) At ddibenion yr adran hon, mae gwybodaeth a dogfennau yn "perthnasol" os ydynt yn ymwneud â rhan o adeilad y mae person atebol ymadawol wedi peidio â bod yn gyfrifol amdani.

50 Duty to give information and documents on change of accountable person

(1) In this section—

(a) "outgoing accountable person" means an accountable person for a regulated building who at any time ceases to be responsible for all or any part of the building;

(b) "successor" means a person who, immediately after that time—

(i) is an accountable person for the building, and

(ii) is responsible for a part of the building for which the outgoing accountable person ceased to be responsible at that time.

(2) The Welsh Ministers may by regulations require an outgoing accountable person for a regulated building to give relevant information specified in the regulations, or relevant documents specified in the regulations, to—

(a) a successor;

(b) the building safety authority for the building;

(c) the fire safety authority for the building.

(3) Regulations under this section may, in particular, make provision about—

(a) when relevant information or a relevant document must be given;

(b) how it must be given;

(c) the form in which it must be given.

(4) The regulations may impose requirements subject to conditions or exceptions.

(5) An outgoing accountable person commits an offence if the person fails without reasonable excuse to comply with a requirement imposed by regulations under this section.

(6) A person guilty of an offence under subsection (5) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(7) A person who has been convicted of an offence under subsection (5) commits a further offence if the person continues to fail to comply with the requirement in question after the conviction.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 1 on the standard scale for each day on which the failure continues.

(9) For the purposes of this section, information and documents are "relevant" if they relate to a part of a building for which an outgoing accountable person has ceased to be responsible.

Cwynion

51 Adeiladau categori 1: dyletswydd prif berson atebol i weithredu system gwyno

(1) Rhaid i'r prif berson atebol ar gyfer adeilad categori 1 a feddiennir sefydlu a gweithredu system ar gyfer ymchwilio i gwynion perthnasol.

(2) Yn yr adran hon, ystyr "cwyn berthnasol" yw cwyn sy'n ymwneud ag—

(a) risg diogelwch adeilad sy'n ymwneud â'r adeilad, neu

(b) cyflawni gan berson atebol ar gyfer yr adeilad unrhyw ddyletswydd o dan y Ddeddf hon neu reoliadau a wneir oddi tani.

(3) Rhaid i'r prif berson atebol sefydlu'r system gwyno a dechrau ei gweithredu cyn gynted â phosibl ar ôl i'r diweddaraf o'r digwyddiadau a ganlyn ddigwydd—

(a) bod yr adeilad yn cael ei feddiannu;

(b) bod yr adeilad yn dod yn adeilad categori 1;

(c) bod y person yn dod yn brif berson atebol ar gyfer yr adeilad;

(d) bod yr adran hon yn dod i rym.

(4) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch sefydlu a gweithredu systemau cwyno o dan yr adran hon.

(5) Caiff y rheoliadau, yn benodol—

(a) gwneud darpariaeth ynghylch y personau y caniateir iddynt wneud cwynion perthnasol, a'r ffordd y caniateir gwneud cwynion perthnasol;

(b) gwneud darpariaeth ynghylch y cyfnod y mae rhaid ystyried a delio â chŵyn berthnasol ynddo, a'r ffordd y mae rhaid ystyried a delio â chŵyn berthnasol;

(c) galluogi neu ei gwneud yn ofynnol i'r prif berson atebol ar gyfer adeilad gyfeirio cwyn berthnasol, neu unrhyw gwestiwn ynghylch a yw cwyn yn gŵyn berthnasol, at awdurdod diogelwch adeiladau yr adeilad yn unol â'r rheoliadau;

(d) ei gwneud yn ofynnol i brif berson atebol gyhoeddi gwybodaeth a bennir yn y rheoliadau mewn perthynas â'i system gwyno.

(6) Gweler adran 53 am ddarpariaeth ynghylch ymchwilio i gwynion a chwestiynau sy'n cael eu cyfeirio at awdurdod diogelwch adeiladau yn unol â darpariaeth a wneir o dan is-adran (5)(c).

52 Adeiladau categori 2 a chategori 3: dyletswydd personau atebol i drefnu ystyriaeth o gwynion

(1) Caiff Gweinidogion Cymru, drwy reoliadau, ei gwneud yn ofynnol i berson atebol ar gyfer adeilad categori 2 a feddiennir neu adeilad categori 3 a feddiennir wneud trefniadau ar gyfer ystyried cwynion perthnasol ac i roi effaith i'r trefniadau hynny.

(2) Yn yr adran hon, ystyr "cwyn berthnasol" yw cwyn sy'n ymwneud ag—

(a) risg diogelwch adeilad sy'n ymwneud â'r adeilad, neu

(b) cyflawni gan berson atebol ar gyfer yr adeilad unrhyw ddyletswydd o dan y Ddeddf hon neu reoliadau a wneir oddi tani.

(3) Caiff rheoliadau o dan yr adran hon, yn benodol—

Complaints

51 Category 1 buildings: duty of principal accountable person to operate complaints system

(1) The principal accountable person for an occupied category 1 building must establish and operate a system for the investigation of relevant complaints.

(2) In this section, "relevant complaint" means a complaint that relates to—

(a) a building safety risk relating to the building, or

(b) the performance by an accountable person for the building of any duty under this Act or regulations made under it.

(3) The principal accountable person must establish and start to operate the complaints system as soon as possible after the latest of the following events occurs—

(a) the building becomes occupied;

(b) the building becomes a category 1 building;

(c) the person becomes the principal accountable person for the building;

(d) this section comes into force.

(4) The Welsh Ministers may by regulations make provision about the establishment and operation of complaints systems under this section.

(5) The regulations may, in particular—

(a) make provision about the persons by whom, and the way in which, relevant complaints may be made;

(b) make provision about the period within which, and the way in which, a relevant complaint must be considered and dealt with;

(c) enable or require the principal accountable person for a building to refer a relevant complaint, or any question about whether a complaint is a relevant complaint, to the building safety authority for the building in accordance with the regulations;

(d) require a principal accountable person to publish information specified in the regulations in relation to its complaints system.

(6) See section 53 for provision about the investigation of complaints and questions that are referred to a building safety authority in accordance with provision made under subsection (5)(c).

52 Category 2 and category 3 buildings: duty of accountable persons to arrange consideration of complaints

(1) The Welsh Ministers may by regulations require an accountable person for an occupied category 2 building or an occupied category 3 building to make and give effect to arrangements for the consideration of relevant complaints.

(2) In this section, "relevant complaint" means a complaint that relates to—

(a) a building safety risk relating to the building, or

(b) the performance by an accountable person for the building of any duty under this Act or regulations made under it.

(3) Regulations under this section may, in particular—

(a) gwneud darpariaeth am y trefniadau y mae rhaid eu gwneud ar gyfer ystyried cwynion perthnasol pan fo mwy nag un person atebol ar gyfer adeilad;

(b) gwneud darpariaeth ynghylch pryd y mae rhaid gwneud y trefniadau sy'n ofynnol gan y rheoliadau;

(c) gwneud darpariaeth ynghylch y personau y caniateir iddynt wneud cwynion perthnasol, a'r ffordd y caniateir gwneud cwynion perthnasol;

(d) gwneud darpariaeth ynghylch y cyfnod y mae rhaid ystyried a delio â chŵyn berthnasol ynddo, a'r ffordd y mae rhaid ystyried a delio â chŵyn berthnasol;

(e) galluogi person atebol ar gyfer adeilad neu ei wneud yn ofynnol i berson o'r fath gyfeirio cwyn berthnasol, neu unrhyw gwestiwn ynghylch a yw cwyn yn gŵyn berthnasol, at awdurdod diogelwch adeiladau yr adeilad yn unol â'r rheoliadau;

(f) ei gwneud yn ofynnol i berson atebol gyhoeddi gwybodaeth a bennir yn y rheoliadau mewn perthynas â threfniadau a wneir o dan y rheoliadau.

(4) Gweler adran 53 am ddarpariaeth ynghylch ymchwilio i gwynion a chwestiynau sy'n cael eu cyfeirio at awdurdod diogelwch adeiladau yn unol â darpariaeth a wneir o dan is-adran (3)(e).

53 Cwynion i awdurdodau diogelwch adeiladau

(1) Rhaid i bob awdurdod diogelwch adeiladau sefydlu a gweithredu system ar gyfer ymchwilio i gwynion perthnasol—

(a) a wneir i'r awdurdod, neu

(b) y cyfeirir ato yn unol â darpariaeth a wneir o dan adran 51(5)(c) neu 52(3)(e).

(2) Yn yr adran hon, ystyr "cwyn berthnasol" yw cwyn sy'n ymwneud ag—

(a) risg diogelwch adeilad sy'n ymwneud ag adeilad rheoleiddiedig,

(b) cyflawni gan berson atebol ar gyfer adeilad o'r fath unrhyw ddyletswydd o dan y Ddeddf hon neu reoliadau a wneir oddi tani, neu

(c) cyflawni gan reolwr mesurau arbennig ar gyfer adeilad categori 1 unrhyw swyddogaeth a roddir i'r rheolwr gan orchymyn mesurau arbennig.

(3) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch sefydlu a gweithredu systemau cwyno o dan yr adran hon.

(4) Caiff y rheoliadau, yn benodol, wneud darpariaeth—

(a) ynghylch y personau y caniateir iddynt wneud cwynion perthnasol i awdurdod diogelwch adeiladau, a'r ffordd y caniateir gwneud cwynion perthnasol i awdurdod diogelwch adeiladau;

(b) ynghylch camau y mae rhaid i berson eu cymryd cyn gwneud cwyn berthnasol;

(c) ynghylch y cyfnod y mae rhaid ystyried a delio â chŵyn berthnasol ynddo a'r ffordd y mae rhaid ystyried a delio â chŵyn berthnasol (gan gynnwys darpariaeth ynghylch camau gweithredu y mae rhaid i awdurdod diogelwch adeiladau ystyried eu cymryd mewn ymateb i gŵyn);

(a) make provision about the arrangements that must be made for the consideration of relevant complaints where there is more than one accountable person for a building;

(b) make provision about when the arrangements required by the regulations must be made;

(c) make provision about the persons by whom, and the way in which, relevant complaints may be made;

(d) make provision about the period within which, and the way in which, a relevant complaint must be considered and dealt with;

(e) enable or require an accountable person for a building to refer a relevant complaint, or any question about whether a complaint is a relevant complaint, to the building safety authority for the building in accordance with the regulations;

(f) require an accountable person to publish information specified in the regulations in relation to arrangements made under the regulations.

(4) See section 53 for provision about the investigation of complaints and questions that are referred to a building safety authority in accordance with provision made under subsection (3)(e).

53 Complaints to building safety authorities

(1) Each building safety authority must establish and operate a system for the investigation of relevant complaints that are—

(a) made to the authority, or

(b) referred to it in accordance with provision made under section 51(5)(c) or 52(3)(e).

(2) In this section, "relevant complaint" means a complaint that relates to—

(a) a building safety risk relating to a regulated building,

(b) the performance by an accountable person for such a building of any duty under this Act or regulations made under it, or

(c) the performance by a special measures manager for a category 1 building of any function conferred on the manager by a special measures order.

(3) The Welsh Ministers may by regulations make provision about the establishment and operation of complaints systems under this section.

(4) The regulations may, in particular, make provision—

(a) about the persons by whom, and the way in which, relevant complaints may be made to a building safety authority;

(b) about steps that a person must take before making a relevant complaint;

(c) about the period within which, and the way in which, a relevant complaint must be considered and dealt with (including provision about action that a building safety authority must consider taking in response to a complaint);

(d) i awdurdod diogelwch adeiladau benderfynu ar gwestiynau y cyfeirir ato yn unol â'r ddarpariaeth a wneir o dan adran 51(5)(c) neu 52(3)(e) ynghylch a yw cwynion yn gwynion perthnasol;

(e) ar gyfer cyhoeddi gwybodaeth gan awdurdod diogelwch adeiladau mewn perthynas â'i system gwyno neu gwynion a wneir oddi tani.

PENNOD 8

DYLETSWYDDAU PRESWYLWYR A PHERCHNOGION ETC. UNEDAU PRESWYL

54 Adeiladau rheoleiddiedig: dyletswyddau diogelwch tân preswylwyr etc.

(1) Mae'r adran hon yn gymwys i—

(a) preswylydd sy'n oedolyn mewn uned breswyl mewn adeilad rheoleiddiedig a feddiennir;

(b) perchennog uned breswyl mewn adeilad o'r fath.

(2) Ni chaiff person y mae'r adran hon yn gymwys iddo—

(a) yn unrhyw un neu ragor o rannau cyffredin yr adeilad, ar unrhyw un neu ragor o rannau o'r fath neu mewn perthynas ag unrhyw un neu ragor o rannau o'r fath, wneud unrhyw weithred sy'n creu risg sylweddol o risg diogelwch tân yn cael ei gwireddu mewn perthynas â'r adeilad;

(b) yn yr uned breswyl, ar yr uned breswyl neu mewn perthynas â'r uned breswyl, wneud unrhyw weithred sy'n creu risg sylweddol neu sy'n cynyddu'n sylweddol unrhyw risg bresennol, os bydd tân yn cychwyn yn yr uned breswyl, y bydd y tân yn lledaenu o'r uned;

(c) heb esgus rhesymol, symud ymaith, difrodi, neu ymyrryd â gweithrediad unrhyw beth—

(i) sydd yn unrhyw un neu ragor o rannau cyffredin yr adeilad, neu sy'n ffurfio rhan o unrhyw un neu ragor o rannau cyffredin yr adeilad, a

(ii) sydd wedi ei fwriadu i wella diogelwch pobl yn yr adeilad neu o'i amgylch mewn perthynas â risg diogelwch tân.

(3) Yn is-adran (2)(a) mae "rhannau cyffredin" yn cynnwys balconi, neu ran o falconi, sydd wedi ei gynnwys neu ei chynnwys mewn demeis uned breswyl.

(4) Rhaid i berson y mae'r adran hon yn gymwys iddo gydymffurfio â chais am wybodaeth os—

(a) yw'r cais—

(i) yn cael ei wneud gan y prif berson atebol ar gyfer yr adeilad, a

(ii) am wybodaeth sy'n angenrheidiol i alluogi'r prif berson atebol i gydymffurfio ag adrannau 29 i 32 neu reoliadau a wneir o dan yr adrannau hynny (asesu risgiau diogelwch tân);

(b) yw'r cais—

(i) yn cael ei wneud gan y person atebol sy'n gyfrifol am y rhan o'r adeilad sy'n cynnwys yr uned breswyl, a

(d) for a building safety authority to determine questions referred to it in accordance with provision made under section 51(5)(c) or 52(3)(e) about whether complaints are relevant complaints;

(e) for the publication by a building safety authority of information in relation to its complaints system or complaints made under it.

CHAPTER 8

DUTIES OF RESIDENTS AND OWNERS ETC. OF RESIDENTIAL UNITS

54 Regulated buildings: fire safety duties of residents etc.

(1) This section applies to—

(a) an adult resident of a residential unit in an occupied regulated building;

(b) an owner of a residential unit in such a building.

(2) A person to whom this section applies must not—

(a) in, on, or in relation to, any of the common parts of the building, do any act that creates a significant risk of a fire safety risk materialising in relation to the building;

(b) in, on or in relation to the residential unit, do any act that creates a significant risk or significantly increases any existing risk that, if fire breaks out in the residential unit, the fire will spread from the unit;

(c) without reasonable excuse, remove, damage, or interfere with the functioning of anything that—

(i) is in, or forms part of, any of the common parts of the building, and

(ii) is intended to improve the safety of people in or about the building in relation to a fire safety risk.

(3) In subsection (2)(a) "common parts" includes a balcony, or a part of a balcony, that is included in a demise of a residential unit.

(4) A person to whom this section applies must comply with a request for information if—

(a) the request—

(i) is made by the principal accountable person for the building, and

(ii) is for information that is necessary to enable the principal accountable person to comply with sections 29 to 32 or regulations made under those sections (assessment of fire safety risks);

(b) the request—

(i) is made by the accountable person who is responsible for the part of the building containing the residential unit, and

(ii) am wybodaeth sy'n angenrheidiol i alluogi'r person atebol i gydymffurfio ag adran 33 neu reoliadau a wneir oddi tani (rheoli risgiau diogelwch tân);

(c) yw'r cais—

(i) yn cael ei wneud gan y person atebol sy'n gyfrifol am y rhan o'r adeilad sy'n cynnwys yr uned breswyl, a

(ii) am wybodaeth sy'n angenrheidiol i alluogi person sy'n cael ei drin yn rhinwedd adran 36 fel person atebol i gydymffurfio ag adran 33 neu reoliadau a wneir oddi tani.

55 Adeiladau categori 1 a chategori 2: dyletswyddau diogelwch strwythurol preswylwyr etc.

(1) Mae'r adran hon yn gymwys i—

(a) preswylydd sy'n oedolyn mewn uned breswyl mewn adeilad categori 1 a feddiennir neu adeilad categori 2 a feddiennir;

(b) perchennog uned breswyl mewn adeilad o'r fath.

(2) Ni chaiff person y mae'r adran hon yn gymwys iddo—

(a) yn unrhyw un neu ragor o rannau cyffredin yr adeilad, ar unrhyw un neu ragor o rannau o'r fath neu mewn perthynas ag unrhyw un neu ragor o rannau o'r fath, wneud unrhyw weithred sy'n creu risg sylweddol o risg diogelwch strwythurol yn cael ei gwireddu mewn perthynas â'r adeilad;

(b) yn yr uned breswyl, ar yr uned breswyl neu mewn perthynas â'r uned breswyl, wneud unrhyw weithred sy'n creu risg sylweddol o risg diogelwch strwythurol yn cael ei gwireddu mewn perthynas â'r adeilad.

(3) Yn is-adran (2)(a) mae i "rhannau cyffredin" yr ystyr a roddir gan adran 54(3).

(4) Rhaid i berson y mae'r adran hon yn gymwys iddo gydymffurfio â chais am wybodaeth os yw'r cais—

(a) yn cael ei wneud gan y person atebol sy'n gyfrifol am y rhan o'r adeilad sy'n cynnwys yr uned breswyl, a

(b) am wybodaeth sy'n angenrheidiol i alluogi—

(i) y person atebol i gydymffurfio ag adran 34 neu 35 neu reoliadau a wneir o dan yr adrannau hynny (asesu a rheoli risgiau diogelwch strwythurol);

(ii) person sy'n cael ei drin yn rhinwedd adran 36 fel person atebol i gydymffurfio ag adran 35 neu reoliadau a wneir oddi tani.

56 Gwrthiant tân unedau preswyl: dyletswydd i atgyweirio

(1) Mae'r adran hon yn gymwys i berson sydd—

(a) yn ymwybodol o ddifrod i ran o uned breswyl mewn adeilad rheoleiddiedig a feddiennir (pa un a yw'r difrod yn draul neu'n ddifrod arall) sy'n dod o fewn is-adran (3), a

(b) yn dod o fewn is-adran (5) mewn perthynas â'r rhan.

(2) Rhaid i berson y mae'r adran hon yn gymwys iddo sicrhau y caiff y difrod ei atgyweirio.

(ii) is for information that is necessary to enable the accountable person to comply with section 33 or regulations made under it (management of fire safety risks);

(c) the request—

(i) is made by the accountable person who is responsible for the part of the building containing the residential unit, and

(ii) is for information that is necessary to enable a person who is treated as an accountable person by virtue of section 36 to comply with section 33 or regulations made under it.

55 Category 1 and category 2 buildings: structural safety duties of residents etc.

(1) This section applies to—

(a) an adult resident of a residential unit in an occupied category 1 building or an occupied category 2 building;

(b) an owner of a residential unit in such a building.

(2) A person to whom this section applies must not—

(a) in, on, or in relation to, any of the common parts of the building, do any act that creates a significant risk of a structural safety risk materialising in relation to the building;

(b) in, on or in relation to the residential unit, do any act that creates a significant risk of a structural safety risk materialising in relation to the building.

(3) In subsection (2)(a) "common parts" has the meaning given by section 54(3).

(4) A person to whom this section applies must comply with a request for information if the request—

(a) is made by the accountable person who is responsible for the part of the building containing the residential unit, and

(b) is for information that is necessary to enable—

(i) the accountable person to comply with section 34 or 35 or regulations made under those sections (assessment and management of structural safety risks);

(ii) a person who is treated as an accountable person by virtue of section 36 to comply with section 35 or regulations made under it.

56 Fire resistance of residential units: duty to repair

(1) This section applies to a person who—

(a) is aware of damage to a part of a residential unit in an occupied regulated building (whether the damage is wear and tear or other damage) that falls within subsection (3), and

(b) falls within subsection (5) in relation to the part.

(2) A person to whom this section applies must ensure the damage is repaired.

(3) Mae difrod yn dod o fewn yr is-adran hon os yw—

(a) yn arwain at risg sylweddol o ledaeniad tân, neu

(b) yn cynyddu'n sylweddol unrhyw risg bresennol o ledaeniad tân.

(4) Mae'r cyfeiriad yn is-adran (3) at risg o ledaeniad tân yn golygu risg, os bydd tân yn cychwyn yn yr uned breswyl, y bydd y tân yn lledaenu o'r uned.

(5) Mae person yn dod o fewn yr is-adran hon mewn perthynas â rhan o uned breswyl os—

(a) yw'r person yn ddarostyngedig i ofyniad o dan les neu yn rhinwedd deddfiad (ac eithrio'r adran hon), i atgyweirio neu gynnal a chadw'r rhan, neu

(b) y person yw perchennog yr uned breswyl, os nad oes unrhyw berson yn dod o fewn paragraff (a) mewn perthynas â'r rhan.

(6) Nid yw'r adran hon yn effeithio ar ofyniad y mae'r person yn ddarostyngedig iddo i atgyweirio neu gynnal a chadw y rhan.

57 Mynediad i unedau preswyl at ddiben atgyweirio

(1) Mae'r adran hon yn gymwys pan—

(a) bo, yn rhinwedd adran 56, person ("P") o dan ddyletswydd i sicrhau y caiff difrod i ran o uned breswyl ei atgyweirio,

(b) bo P yn gwneud cais i berson perthnasol am fynediad i'r uned neu ran o'r uned, gan P neu bersonau a awdurdodir gan P, at y diben o wneud yr atgyweirio,

(c) bo'r cais yn cydymffurfio ag is-adran (2), a

(d) na roddir mynediad i'r uned neu i'r rhan o'r uned.

(2) Mae cais yn cydymffurfio â'r is-adran hon os yw—

(a) yn ysgrifenedig,

(b) yn egluro bod P, yn rhinwedd adran 56, o dan ddyletswydd i sicrhau y caiff difrod i ran o'r uned ei atgyweirio,

(c) yn nodi'r atgyweiriadau sydd i'w gwneud,

(d) yn gofyn am fynediad ar ddyddiad neu ddyddiadau, ac ar amserau, sy'n rhesymol, ac

(e) yn cael ei roi i'r person perthnasol—

(i) o leiaf 48 awr cyn yr amser y gofynnir i gael mynediad, neu

(ii) os gofynnir am fynediad ar fwy nag un dyddiad, o leiaf 48 awr cyn yr amser cynharaf y gofynnir i gael mynediad.

(3) Caiff P wneud cais i dribiwnlys eiddo preswyl am orchymyn mynediad ar gyfer atgyweirio.

(4) Ond ni chaiff P wneud cais am orchymyn mynediad ar gyfer atgyweirio oni bai bod P wedi rhoi hysbysiad i'r awdurdod diogelwch adeiladau a'r awdurdod diogelwch tân ar gyfer yr adeilad yn nodi'r bwriad i wneud cais am orchymyn mynediad ar gyfer atgyweirio mewn cysylltiad â'r person perthnasol a'r uned breswyl (y mae rhaid i'r ddau ohonynt gael eu pennu yn yr hysbysiad).

(3) Damage falls within this subsection if it—

(a) gives rise to a significant risk of fire spread, or

(b) significantly increases any existing risk of fire spread.

(4) The reference in subsection (3) to a risk of fire spread means a risk that, if fire breaks out in the residential unit, the fire will spread from the unit.

(5) A person falls within this subsection in relation to a part of a residential unit if the person is—

(a) subject to a requirement under a lease or by virtue of an enactment (other than this section), to repair or maintain the part, or

(b) the owner of the residential unit, if there is no person who falls within paragraph (a) in relation to the part.

(6) This section does not affect a requirement to which the person is subject to repair or maintain the part.

57 Entry to residential units for purpose of repairs

(1) This section applies where—

(a) by virtue of section 56, a person ("P") is under a duty to ensure that damage to a part of a residential unit is repaired,

(b) P makes a request to a relevant person for entry to the unit or part of the unit, by P or persons authorised by P, for the purpose of carrying out the repairs,

(c) the request complies with subsection (2), and

(d) entry to the unit or the part of the unit is not given.

(2) A request complies with this subsection if it—

(a) is in writing,

(b) explains that, by virtue of section 56, P is under a duty to ensure that damage to a part of the unit is repaired,

(c) sets out the repairs to be carried out,

(d) requests entry on a date or dates, and at times, that are reasonable, and

(e) is given to the relevant person—

(i) at least 48 hours before the time at which entry is requested, or

(ii) if entry on more than one date is requested, at least 48 hours before the earliest time at which entry is requested.

(3) P may apply to a residential property tribunal for a repairs access order.

(4) But P may not apply for a repairs access order unless P has given to the building safety authority and the fire safety authority for the building a notice setting out the intention to apply for a repairs access order in respect of the relevant person and the residential unit (both of which must be specified in the notice).

(5) Mae gorchymyn mynediad ar gyfer atgyweirio yn orchymyn sy'n ei gwneud yn ofynnol i'r person perthnasol ganiatáu i P neu bersonau a awdurdodir gan P i—

(a) mynd i'r uned breswyl neu ran o'r uned breswyl, a

(b) gwneud yr atgyweiriadau a nodir yn y cais o dan is-adran (2)(c).

(6) Caiff tribiwnlys eiddo preswyl wneud gorchymyn mynediad ar gyfer atgyweirio os yw'n fodlon ei bod—

(a) yn angenrheidiol i'r atgyweiriadau a nodir yn y cais o dan is-adran (2)(c) i gael eu gwneud, a

(b) yn angenrheidiol i fynd i'r uned neu ran o'r uned i wneud yr atgyweiriadau.

(7) Rhaid i'r gorchymyn mynediad ar gyfer atgyweirio bennu dyddiad y caniateir mynd i'r uned neu ran o'r uned, neu gyfnod y caniateir i'r mynediad ddigwydd ynddo.

(8) Yn yr adran hon ystyr "person perthnasol" yw—

(a) mewn perthynas ag uned breswyl—

(i) preswylydd sy'n oedolyn yn yr uned, neu

(ii) os nad oes preswylydd o'r fath, unrhyw berson a chanddo reolaeth dros fynediad i'r uned;

(b) mewn perthynas â rhan o uned breswyl—

(i) preswylydd sy'n oedolyn yn yr uned a chanddo reolaeth dros fynediad i'r rhan, neu

(ii) os nad oes preswylydd o'r fath, unrhyw berson a chanddo reolaeth dros fynediad i'r rhan.

58 Mynediad i unedau preswyl etc. gan berson atebol

(1) Mae'r adran hon yn gymwys pan—

(a) bo person atebol ar gyfer adeilad rheoleiddiedig a feddiennir yn gwneud cais i berson perthnasol am fynediad i fangre berthnasol,

(b) bo'r cais yn cael ei wneud at ddiben a grybwyllir yn is-adran (2),

(c) bo'r cais yn cydymffurfio ag is-adran (3), a

(d) na roddir mynediad i'r fangre.

(2) Y dibenion yw—

(a) galluogi'r person atebol i benderfynu a yw'r hyn a ganlyn yn cael ei dorri neu wedi ei dorri—

(i) adran 54(2) (dyletswyddau diogelwch tân preswylwyr etc. adeiladau rheoleiddiedig);

(ii) adran 55(2) (dyletswyddau diogelwch strwythurol preswylwyr etc. adeiladau categori 1 a chategori 2);

(b) galluogi'r person atebol i benderfynu a gydymffurfiwyd ag adran 56 (atgyweirio gwrthiant tân unedau preswyl);

(5) A repairs access order is an order that requires the relevant person to allow P or persons authorised by P to—

(a) enter the residential unit or part of the residential unit, and

(b) carry out the repairs set out in the request under subsection (2)(c).

(6) A residential property tribunal may make a repairs access order if satisfied that—

(a) it is necessary for the repairs set out in the request under subsection (2)(c) to be carried out, and

(b) it is necessary to enter the unit or part of the unit to carry out the repairs.

(7) The repairs access order must specify a date on which, or a period within which, entry to the unit or part of the unit may be made.

(8) In this section "relevant person" means—

(a) in relation to a residential unit—

(i) an adult resident of the unit, or

(ii) if there is no such resident, any person who has control over entry to the unit;

(b) in relation to a part of a residential unit—

(i) an adult resident of the unit who has control over entry to the part, or

(ii) if there is no such resident, any person who has control over entry to the part.

58 Entry to residential units etc. by accountable person

(1) This section applies where—

(a) an accountable person for an occupied regulated building makes a request to a relevant person for entry to relevant premises,

(b) the request is made for a purpose mentioned in subsection (2),

(c) the request complies with subsection (3), and

(d) entry to the premises is not given.

(2) The purposes are—

(a) enabling the accountable person to determine whether there is or has been a contravention of—

(i) section 54(2) (fire safety duties of residents etc. of regulated buildings);

(ii) section 55(2) (structural safety duties of residents etc. of category 1 and category 2 buildings);

(b) enabling the accountable person to determine whether there has been compliance with section 56 (repair of fire resistance of residential units);

(c) pan mai'r person atebol yw'r prif berson atebol ar gyfer yr adeilad, galluogi'r person hwnnw i gydymffurfio ag adrannau 29 i 32 neu reoliadau a wneir o dan yr adrannau hynny (asesu risgiau diogelwch tân sy'n ymwneud ag adeiladau rheoleiddiedig);

(d) galluogi'r person atebol i gydymffurfio ag adran 33 neu reoliadau a wneir oddi tani (rheoli risgiau diogelwch tân sy'n ymwneud ag adeiladau rheoleiddiedig);

(e) galluogi'r person atebol i gydymffurfio ag adran 34 neu 35 neu reoliadau a wneir o dan yr adrannau hynny (asesu a rheoli risgiau diogelwch strwythurol sy'n ymwneud ag adeiladau categori 1 a chategori 2);

(f) galluogi person sy'n cael ei drin yn rhinwedd adran 36 fel person atebol i gydymffurfio ag adran 33 neu 35 neu reoliadau a wneir o dan yr adrannau hynny.

(3) Mae cais yn cydymffurfio â'r is-adran hon os yw—

(a) yn ysgrifenedig,

(b) yn nodi'r diben y gwneir y cais ar ei gyfer,

(c) yn esbonio pam ei bod yn angenrheidiol mynd i'r fangre berthnasol at y diben hwnnw,

(d) yn nodi enw'r person sy'n cael ei drin fel person atebol os y'i gwneir at y diben a grybwyllir yn is-adran (2)(f),

(e) yn gofyn am fynediad ar ddyddiad, ac amser, sy'n rhesymol, ac

(f) yn cael ei roi i'r person perthnasol o leiaf 48 awr cyn hynny.

(4) Caiff y person atebol wneud cais i dribiwnlys eiddo preswyl am orchymyn mynediad.

(5) Ond ni chaiff person atebol wneud cais am orchymyn mynediad oni bai bod y person hwnnw wedi rhoi hysbysiad i'r awdurdod diogelwch adeiladau a'r awdurdod diogelwch tân ar gyfer yr adeilad yn nodi'r bwriad i wneud cais am orchymyn mynediad mewn cysylltiad â'r person perthnasol a'r fangre berthnasol (y mae rhaid i'r ddau ohonynt gael eu pennu yn yr hysbysiad).

(6) Mae gorchymyn mynediad yn orchymyn sydd—

(a) yn ei gwneud yn ofynnol i'r person perthnasol ganiatáu (yn ôl y digwydd)—

(i) i'r person atebol, neu berson a awdurdodir gan y person atebol;

(ii) i'r person sy'n cael ei drin fel person atebol ac a enwir yn y cais o dan is-adran (3)(d), neu berson a awdurdodir gan y person hwnnw,

fynd i'r fangre berthnasol ar amser rhesymol at y diben a nodir yn y cais o dan is-adran (3)(b), a

(b) os yw'n angenrheidiol at y diben hwnnw, yn awdurdodi'r person sy'n mynd i'r fangre yn unol â'r gorchymyn i fesur neu brofi unrhyw beth, neu gymryd samplau, ffotograffau neu recordiadau.

(7) Caiff tribiwnlys eiddo preswyl wneud gorchymyn mynediad os yw'n fodlon ei bod yn angenrheidiol gwneud hynny at y diben a nodir yn y cais o dan is-adran (3)(b).

(8) Rhaid i'r gorchymyn mynediad bennu dyddiad y caniateir mynd i'r fangre, neu gyfnod y caniateir i'r mynediad ddigwydd ynddo.

(c) where the accountable person is the principal accountable person for the building, enabling that person to comply with sections 29 to 32 or regulations made under those sections (assessment of fire safety risks relating to regulated buildings);

(d) enabling the accountable person to comply with section 33 or regulations made under it (management of fire safety risks relating to regulated buildings);

(e) enabling the accountable person to comply with section 34 or 35 or regulations made under those sections (assessment and management of structural safety risks relating to category 1 and category 2 buildings);

(f) enabling a person who is treated as an accountable person by virtue of section 36 to comply with section 33 or 35 or regulations made under those sections.

(3) A request complies with this subsection if it—

(a) is in writing,

(b) sets out the purpose for which it is made,

(c) explains why it is necessary to enter the relevant premises for that purpose,

(d) sets out the name of the person who is treated as an accountable person if made for the purpose mentioned in subsection (2)(f),

(e) requests entry on a date, and at a time, that is reasonable, and

(f) is given to the relevant person at least 48 hours before then.

(4) The accountable person may apply to a residential property tribunal for an access order.

(5) But an accountable person may not apply for an access order unless that person has given to the building safety authority and the fire safety authority for the building a notice setting out the intention to apply for an access order in respect of the relevant person and the relevant premises (both of which must be specified in the notice).

(6) An access order is an order that—

(a) requires the relevant person to allow (as the case may be)—

(i) the accountable person, or a person authorised by the accountable person;

(ii) the person treated as an accountable person and named in the request under subsection (3)(d), or a person authorised by that person,

to enter the relevant premises at a reasonable time for the purpose set out in the request under subsection (3)(b), and

(b) if necessary for that purpose, authorises the person entering the premises in accordance with the order to measure or test anything, or take samples, photographs or recordings.

(7) A residential property tribunal may make an access order if satisfied that it is necessary to do so for the purpose set out in the request under subsection (3)(b).

(8) The access order must specify a date on which, or a period within which, entry to the premises may be made.

(9) Yn yr adran hon—

ystyr "mangre berthnasol" ("*relevant premises*") yw—

(a) mewn perthynas â chais a wneir at y diben a grybwyllir yn is-adran (2)(b)—

(i) os gwneir y cais gan brif berson atebol, uned breswyl, neu ran o uned breswyl, yn yr adeilad;

(ii) os gwneir y cais gan unrhyw berson atebol arall, uned breswyl, neu ran o uned breswyl, yn y rhan o'r adeilad y mae'r person atebol yn gyfrifol amdani;

(b) mewn perthynas â chais a wneir gan brif berson atebol at y diben a grybwyllir yn is-adran (2)(c)—

(i) uned breswyl yn yr adeilad;

(ii) rhan o uned breswyl yn yr adeilad;

(iii) ardal o'r adeilad a ddarperir at ddefnydd unigryw, er budd unigryw neu er mwynhad unigryw breswylwyr uned breswyl benodol, neu unedau preswyl penodol, yn yr adeilad;

(c) mewn perthynas â chais a wneir gan berson atebol at unrhyw ddiben arall a grybwyllir yn is-adran (2)—

(i) uned breswyl yn y rhan o'r adeilad y mae'r person atebol yn gyfrifol amdani;

(ii) rhan o uned breswyl yn y rhan o'r adeilad y mae'r person atebol yn gyfrifol amdani;

(iii) ardal o ran o'r adeilad y mae'r person atebol yn gyfrifol amdani a ddarperir at ddefnydd unigryw, er budd unigryw neu er mwynhad unigryw breswylwyr uned breswyl benodol, neu unedau preswyl penodol, yn yr adeilad;

ystyr "person perthnasol" ("*relevant person*") yw—

(a) mewn perthynas ag uned breswyl—

(i) preswylydd sy'n oedolyn yn yr uned, neu

(ii) os nad oes preswylydd o'r fath, unrhyw berson a chanddo reolaeth dros fynediad i'r uned;

(b) mewn perthynas â rhan o uned breswyl—

(i) preswylydd sy'n oedolyn yn yr uned a chanddo reolaeth dros fynediad i'r rhan, neu

(ii) os nad oes preswylydd o'r fath, unrhyw berson a chanddo reolaeth dros fynediad i'r rhan;

(c) mewn perthynas ag ardal a ddarperir at ddefnydd unigryw, er budd unigryw neu er mwynhad unigryw breswylwyr uned breswyl benodol, neu unedau preswyl penodol—

(i) preswylydd sy'n oedolyn yn yr uned neu'r unedau, neu

(9) In this section—

"relevant person" ("*person perthnasol*") means—

(a) in relation to a residential unit—

(i) an adult resident of the unit, or

(ii) if there is no such resident, any person who has control over entry to the unit;

(b) in relation to a part of a residential unit—

(i) an adult resident of the unit who has control over entry to the part, or

(ii) if there is no such resident, any person who has control over entry to the part;

(c) in relation to an area that is provided for the exclusive use, benefit or enjoyment of the residents of a particular residential unit, or particular residential units—

(i) an adult resident of the unit or units, or

(ii) if there is no such resident, any person who has control over entry to the area;

"relevant premises" ("*mangre perthnasol*") means—

(a) in relation to a request made for the purpose mentioned in subsection (2)(b)—

(i) if the request is made by a principal accountable person, a residential unit, or a part of a residential unit, in the building;

(ii) if the request is made by any other accountable person, a residential unit, or a part of a residential unit, in the part of the building for which the accountable person is responsible;

(b) in relation to a request made by a principal accountable person for the purpose mentioned in subsection (2)(c)—

(i) a residential unit in the building;

(ii) a part of a residential unit in the building;

(iii) an area of the building that is provided for the exclusive use, benefit or enjoyment of the residents of a particular residential unit, or particular residential units, in the building;

(c) in relation to a request made by an accountable person for any other purpose mentioned in subsection (2)—

(i) a residential unit in the part of the building for which the accountable person is responsible;

(ii) a part of a residential unit in the part of the building for which the accountable person is responsible;

(ii) os nad oes preswylydd o'r fath, unrhyw berson a chanddo reolaeth dros fynediad i'r ardal.

59 Pŵer person atebol i roi hysbysiad rhybuddio: dyletswydd diogelwch tân a diogelwch strwythurol preswylwyr etc.

(1) Yn unrhyw un neu ragor o achosion 1 i 4 caiff person atebol ar gyfer adeilad rheoleiddiedig roi hysbysiad rhybuddio o dan yr adran hon i—

(a) person y mae adran 54 (dyletswyddau diogelwch tân preswylwyr etc. adeiladau rheoleiddiedig) yn gymwys iddo;

(b) person y mae adran 55 (dyletswyddau diogelwch strwythurol preswylwyr etc. adeiladau categori 1 a chategori 2) yn gymwys iddo.

(2) Achos 1 yw pan fo—

(a) y person atebol yn ystyried bod y person wedi torri, neu yn torri, gofyniad a osodir ar y person gan adran 54(2)(a) neu 55(2)(a) mewn perthynas ag unrhyw un neu ragor o rannau cyffredin yr adeilad, a

(b) y naill neu'r llall o'r hyn a ganlyn yn gymwys—

(i) bod y person atebol yn gyfrifol am y rhan o'r adeilad sy'n cynnwys y rhannau cyffredin o dan sylw, neu

(ii) y person atebol yw'r prif berson atebol ar gyfer yr adeilad.

(3) Achos 2 yw pan fo—

(a) y person atebol yn ystyried bod y person wedi torri, neu yn torri, gofyniad a osodir ar y person hwnnw gan adran 54(2)(b) neu 55(2)(b) mewn perthynas ag uned breswyl yn yr adeilad, a

(b) y naill neu'r llall o'r hyn a ganlyn yn gymwys—

(i) bod y person atebol yn gyfrifol am y rhan o'r adeilad sy'n cynnwys yr uned breswyl o dan sylw, neu

(ii) y person atebol yw'r prif berson atebol ar gyfer yr adeilad.

(4) Achos 3 yw pan fo—

(a) y person atebol yn ystyried bod y person wedi torri, neu yn torri, gofyniad a osodir ar y person gan adran 54(2)(c) mewn perthynas â pheth sydd yn unrhyw un neu ragor o rannau cyffredin yr adeilad, neu sy'n ffurfio rhan o unrhyw un neu ragor o rannau cyffredin yr adeilad, a

(b) y naill neu'r llall o'r hyn a ganlyn yn gymwys—

(i) bod y person atebol yn gyfrifol am y rhan o'r adeilad sy'n cynnwys y rhannau cyffredin o dan sylw, neu

(ii) y person atebol yw'r prif berson atebol ar gyfer yr adeilad.

(5) Achos 4 yw pan fo'r person atebol yn ystyried bod y person wedi methu â chydymffurfio â chais am wybodaeth a wnaed gan y person atebol yn unol ag adran 54(4) neu 55(4).

(iii) an area of the part of the building for which the accountable person is responsible that is provided for the exclusive use, benefit or enjoyment of the residents of a particular residential unit, or particular residential units, in the building.

59 Power of accountable person to give warning notice: fire and structural safety duty of residents etc.

(1) In any of cases 1 to 4 an accountable person for a regulated building may give a warning notice under this section to—

(a) a person to whom section 54 (fire safety duties of residents etc. of regulated buildings) applies;

(b) a person to whom section 55 (structural safety duties of residents etc. of category 1 and category 2 buildings) applies.

(2) Case 1 is where—

(a) the accountable person considers that the person has contravened, or is contravening, a requirement imposed on the person by section 54(2)(a) or 55(2)(a) in relation to any of the common parts of the building, and

(b) either of the following is the case—

(i) the accountable person is responsible for the part of the building containing the common parts in question, or

(ii) the accountable person is the principal accountable person for the building.

(3) Case 2 is where—

(a) the accountable person considers that the person has contravened, or is contravening, a requirement imposed on that person by section 54(2)(b) or 55(2)(b) in relation to a residential unit in the building, and

(b) either of the following is the case—

(i) the accountable person is responsible for the part of the building containing the residential unit in question, or

(ii) the accountable person is the principal accountable person for the building.

(4) Case 3 is where—

(a) the accountable person considers that the person has contravened, or is contravening, a requirement imposed on the person by section 54(2)(c) in relation to a thing that is in or forms part of any of the common parts of the building, and

(b) either of the following is the case—

(i) the accountable person is responsible for the part of the building containing the common parts in question, or

(ii) the accountable person is the principal accountable person for the building.

(5) Case 4 is where the accountable person considers that the person has failed to comply with a request for information made by the accountable person in accordance with section 54(4) or 55(4).

(6) Hysbysiad rhybuddio o dan yr adran hon yw hysbysiad sydd—

(a) yn pennu'r toriad neu'r methiant honedig,

(b) yn pennu unrhyw gamau rhesymol (y cânt gynnwys darparu gwybodaeth) y mae'r person atebol yn ystyried y dylai'r person eu cymryd, o fewn cyfnod rhesymol a bennir yn yr hysbysiad, i unioni'r toriad neu'r methiant,

(c) yn pennu unrhyw weithred y mae'r person atebol yn ystyried na ddylai'r person ei wneud, er mwyn osgoi ailadrodd neu barhau â'r toriad neu'r methiant, a

(d) yn esbonio—

(i) os nad yw'r person yn cydymffurfio â'r hysbysiad y caiff y person atebol wneud cais o dan adran 61 am orchymyn torri, a

(ii) effaith gorchymyn o'r fath.

(7) Caiff y camau a bennir o dan is-adran (6)(b) mewn hysbysiad rhybuddio a roddir yn achos 3 gynnwys talu swm os—

(a) yw'r person atebol yn ystyried ei bod yn angenrheidiol, o ganlyniad i'r torri honedig, atgyweirio neu amnewid y peth a gafodd ei dynnu, ei ddifrodi neu yr ymyrrwyd ag ef, a

(b) nad yw'r swm a bennir yn yr hysbysiad yn fwy na'r gost resymol o wneud hynny.

(8) Pan fo person atebol ar gyfer adeilad yn rhoi hysbysiad rhybuddio o dan yr adran hon, rhaid i'r person atebol sicrhau bod unrhyw berson arall sy'n berson atebol am yr adeilad yn cael ei hysbysu cyn gynted ag y bo'n rhesymol ymarferol.

(9) Yn is-adran (2) mae i "rhannau cyffredin" yr ystyr a roddir gan adran 54(3).

60 Pŵer person atebol i roi hysbysiad rhybuddio: atgyweirio gwrthiant tân unedau preswyl

(1) Caniateir rhoi hysbysiad rhybuddio o dan yr adran hon i berson y mae adran 56 yn gymwys iddo mewn perthynas â rhan o uned breswyl mewn adeilad rheoleiddiedig a feddiennir.

(2) Caniateir rhoi hysbysiad rhybuddio o dan yr adran hon gan—

(a) y person atebol sy'n gyfrifol am y rhan o'r adeilad sy'n cynnwys yr uned breswyl;

(b) y prif berson atebol ar gyfer yr adeilad.

(3) Hysbysiad rhybuddio o dan yr adran hon yw hysbysiad sydd—

(a) yn pennu'r atgyweiriadau y mae'r person atebol yn ystyried—

(i) bod y person y cyfeirir ato yn is-adran (1) wedi methu eu gwneud, a

(ii) y dylai'r person hwnnw eu gwneud o fewn cyfnod rhesymol a bennir yn yr hysbysiad, a

(b) yn egluro—

(i) os nad yw'r person yn cydymffurfio â'r hysbysiad y caiff y person atebol wneud cais o dan adran 61 am orchymyn torri, a

(ii) effaith gorchymyn o'r fath.

(6) A warning notice under this section is a notice that—

(a) specifies the alleged contravention or failure,

(b) specifies any reasonable steps (which may include the provision of information) that the accountable person considers the person should take, within a reasonable period specified in the notice, to remedy the contravention or failure,

(c) specifies any act that the accountable person considers the person should not do, to avoid repeating or continuing the contravention or failure, and

(d) explains—

(i) that if the person does not comply with the notice the accountable person may apply under section 61 for a contravention order, and

(ii) the effect of such an order.

(7) The steps specified under subsection (6)(b) in a warning notice given in case 3 may include payment of a sum if—

(a) the accountable person considers it necessary, as a result of the alleged contravention, to repair or replace the thing that was removed, damaged or interfered with, and

(b) the sum specified in the notice does not exceed the reasonable cost of doing so.

(8) Where an accountable person for a building gives a warning notice under this section, the accountable person must ensure that any other person who is an accountable person for the building is informed as soon as reasonably practicable.

(9) In subsection (2) "common parts" has the meaning given by section 54(3).

60 Power of accountable person to give warning notice: repair of fire resistance of residential units

(1) A warning notice under this section may be given to a person to whom section 56 applies in relation to a part of a residential unit in an occupied regulated building.

(2) A warning notice under this section may be given by—

(a) the accountable person who is responsible for the part of the building containing the residential unit;

(b) the principal accountable person for the building.

(3) A warning notice under this section is a notice that—

(a) specifies the repairs that the accountable person considers that the person referred to in subsection (1)—

(i) has failed to carry out, and

(ii) should carry out within a reasonable period specified in the notice, and

(b) explains—

(i) that if the person does not comply with the notice the accountable person may apply under section 61 for a contravention order, and

(ii) the effect of such an order.

(4) Rhaid i berson atebol sy'n rhoi hysbysiad rhybuddio o dan yr adran hon sicrhau bod unrhyw berson arall sy'n berson atebol ar gyfer yr adeilad yn cael ei hysbysu cyn gynted ag y bo'n rhesymol ymarferol.

61 Pŵer tribiwnlys eiddo preswyl i wneud gorchymyn torri

(1) Caiff person atebol ar gyfer adeilad rheoleiddiedig wneud cais i dribiwnlys eiddo preswyl i orchymyn torri gael ei wneud mewn cysylltiad â pherson pan fo'r person atebol—

(a) wedi rhoi hysbysiad rhybuddio i'r person yn unol ag adran 59, a

(b) yn ystyried bod y person wedi—

(i) methu â chymryd cam a bennir yn yr hysbysiad o dan adran 59(6)(b), neu

(ii) gwneud gweithred a bennir yn yr hysbysiad o dan adran 59(6)(c).

(2) Caiff person atebol ar gyfer adeilad rheoleiddiedig wneud cais i dribiwnlys eiddo preswyl i orchymyn torri gael ei wneud mewn cysylltiad â pherson pan fo'r person atebol—

(a) wedi rhoi hysbysiad rhybuddio i'r person yn unol ag adran 60, a

(b) yn ystyried bod y person wedi methu â gwneud yr atgyweiriadau a bennir yn yr hysbysiad o dan adran 60(3)(a).

(3) Ond ni chaiff person atebol wneud cais am orchymyn torri oni bai bod y person hwnnw wedi rhoi hysbysiad i'r awdurdod diogelwch adeiladau a'r awdurdod diogelwch tân ar gyfer yr adeilad yn nodi'r bwriad i wneud cais am orchymyn.

(4) Mae gorchymyn torri—

(a) mewn achos pan roddwyd hysbysiad rhybuddio o dan adran 59, yn orchymyn sy'n gwneud y naill neu'r llall o'r hyn a ganlyn, neu'r ddau ohonynt—

(i) ei gwneud yn ofynnol i'r person y caiff ei wneud mewn cysylltiad ag ef i gymryd camau penodedig (y caiff gynnwys darparu gwybodaeth benodedig neu dalu swm penodedig) o fewn cyfnod penodedig;

(ii) gwahardd y person rhag gwneud gweithred benodedig;

(b) mewn achos pan roddwyd hysbysiad rhybuddio o dan adran 60, yn orchymyn sy'n ei gwneud yn ofynnol i'r person y caiff ei wneud mewn cysylltiad ag ef wneud atgyweiriadau penodedig.

(5) Yn is-adran (4) ystyr "penodedig" yw a bennir yn y gorchymyn.

(6) Caiff tribiwnlys eiddo preswyl wneud gorchymyn torri mewn cysylltiad â pherson os yw'n fodlon—

(a) y rhoddwyd hysbysiad rhybuddio i'r person yn unol ag adran 59 neu 60,

(b) bod y toriad neu'r methiant a bennir yn yr hysbysiad wedi digwydd, ac

(c) ei bod yn angenrheidiol gwneud y gorchymyn.

(7) Os yw'r camau a bennir mewn hysbysiad rhybuddio a roddir o dan adran 59 yn cynnwys talu swm, caiff y gorchymyn torri ei gwneud yn ofynnol i'r person dalu swm a bennir yn y gorchymyn i'r person atebol.

(4) An accountable person who gives a warning notice under this section must ensure that any other person who is an accountable person for the building is informed as soon as reasonably practicable.

61 Power of residential property tribunal to make contravention order

(1) An accountable person for a regulated building may apply to a residential property tribunal for a contravention order to be made in respect of a person where the accountable person—

(a) has given a warning notice to the person in accordance with section 59, and

(b) considers that the person has—

(i) failed to take a step specified in the notice under section 59(6)(b), or

(ii) done an act specified in the notice under section 59(6)(c).

(2) An accountable person for a regulated building may apply to a residential property tribunal for a contravention order to be made in respect of a person where the accountable person—

(a) has given a warning notice to the person in accordance with section 60, and

(b) considers that the person has failed to carry out the repairs specified in the notice under section 60(3)(a).

(3) But an accountable person may not apply for a contravention order unless that person has given to the building safety authority and the fire safety authority for the building a notice setting out the intention to apply for an order.

(4) A contravention order is—

(a) in a case in which a warning notice was given under section 59, an order doing either or both of the following—

(i) requiring the person in respect of whom it is made to take specified steps (which may include the provision of specified information or the payment of a specified sum) within a specified period;

(ii) prohibiting the person from doing a specified act;

(b) in a case in which a warning notice was given under section 60, an order requiring the person in respect of whom it is made to carry out specified repairs.

(5) In subsection (4) "specified" means specified in the order.

(6) A residential property tribunal may make a contravention order in respect of a person if satisfied that—

(a) a warning notice has been given to the person in accordance with section 59 or 60,

(b) the contravention or failure specified in the notice occurred, and

(c) it is necessary to make the order.

(7) If the steps specified in a warning notice given under section 59 included payment of a sum, the contravention order may require the person to pay a sum specified in the order to the accountable person.

62 Rheoliadau ynghylch hysbysiadau rhybuddio

Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth bellach ynghylch hysbysiadau rhybuddio o dan adran 59 a 60, gan gynnwys darpariaeth ynghylch—

(a) ffurf a chynnwys hysbysiad;

(b) sut y mae rhaid rhoi hysbysiad.

PENNOD 9

ADOLYGIADAU AC APELAU

63 Adolygiad ac apêl o benderfyniadau penodol: termau allweddol

(1) Mae'r adran hon yn nodi ystyr termau allweddol at ddibenion y Bennod hon.

(2) Ystyr "penderfyniad adolygadwy" yw—

(a) penderfyniad i beidio â chofrestru adeilad o dan adran 20 oni bai bod y penderfyniad hwnnw wedi ei wneud yn rhinwedd adran 20(2) yn unig (methiant i dalu ffi);

(b) penderfyniad ynghylch categori adeilad o dan adran 20(6)(c);

(c) penderfyniad i beidio â diwygio'r cofnod ar gyfer adeilad yn y gofrestr o dan adran 22;

(d) penderfyniad i ddiwygio'r cofnod ar gyfer adeilad yn y gofrestr o dan adran 23;

(e) penderfyniad, ac eithrio un a wneir yn unol â chais o dan adran 25(2), i ddileu adeilad o'r gofrestr o dan adran 26;

(f) penderfyniad i wrthod cais am dystysgrif adeilad o dan adran 44.

(3) Ystyr "person yr effeithir arno" yw—

(a) mewn perthynas â phenderfyniad a grybwyllir ym mharagraffau (a), (b) ac (e) o is-adran (2), berson atebol ar gyfer yr adeilad categori 1 neu'r adeilad categori 2 y mae'r penderfyniad yn ymwneud ag ef (neu berson a fyddai'n berson atebol ar gyfer yr adeilad pe bai'r adeilad yn adeilad categori 1 neu'n adeilad categori 2);

(b) mewn perthynas â phenderfyniad a grybwyllir ym mharagraffau (c), (d) ac (f) o is-adran (2), y prif berson atebol ar gyfer yr adeilad categori 1 neu'r adeilad categori 2.

(4) Caiff Gweinidogion Cymru drwy reoliadau—

(a) diwygio'r rhestr o benderfyniadau yn is-adran (2) drwy—

(i) ychwanegu penderfyniad awdurdod diogelwch adeiladau,

(ii) dileu penderfyniad, neu

(iii) amrywio'r disgrifiad o benderfyniad;

(b) diwygio ystyr "person yr effeithir arno".

64 Adolygiad o benderfyniad adolygadwy

(1) Caiff person yr effeithir arno ofyn am adolygiad o benderfyniad adolygadwy drwy roi hysbysiad i'r awdurdod diogelwch adeiladau a wnaeth y penderfyniad yn unol â rheoliadau a wneir o dan is-adran (2).

62 Regulations about warning notices

The Welsh Ministers may by regulations make further provision about warning notices under section 59 and 60, including provision about—

(a) the form and content of a notice;

(b) how a notice must be given.

CHAPTER 9

REVIEWS AND APPEALS

63 Review and appeal of certain decisions: key terms

(1) This section sets out the meaning of key terms for the purposes of this Chapter.

(2) "Reviewable decision" means—

(a) a decision not to register a building under section 20 unless that decision was made only by virtue of section 20(2) (failure to pay fee);

(b) a decision about the category of a building under section 20(6)(c);

(c) a decision not to revise the entry for a building in the register under section 22;

(d) a decision to revise the entry for a building in the register under section 23;

(e) a decision, other than one made pursuant to an application under section 25(2), to remove a building from the register under section 26;

(f) a decision to refuse an application for a building certificate under section 44.

(3) "Affected person" means—

(a) in relation to a decision mentioned in paragraphs (a), (b) and (e) of subsection (2), an accountable person for the category 1 building or category 2 building to which the decision relates (or a person who would be an accountable person for the building if the building were a category 1 building or a category 2 building);

(b) in relation to a decision mentioned in paragraphs (c), (d) and (f) of subsection (2), the principal accountable person for the category 1 building or category 2 building.

(4) The Welsh Ministers may by regulations—

(a) amend the list of decisions in subsection (2) by—

(i) adding a decision of a building safety authority,

(ii) removing a decision, or

(iii) varying the description of a decision;

(b) amend the meaning of "affected person".

64 Review of reviewable decision

(1) An affected person may request a review of a reviewable decision by giving notice to the building safety authority that made the decision in accordance with regulations made under subsection (2).

(2) Rhaid i Weinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch—

(a) sut y mae rhaid rhoi hysbysiad o gais am adolygiad;

(b) ffurf a chynnwys hysbysiad;

(c) y dyddiad cau ar gyfer rhoi hysbysiad.

(3) Caiff rheoliadau o dan is-adran (2) wneud darpariaeth—

(a) ynghylch y dogfennau (os oes rhai) y mae rhaid eu cynnwys gyda hysbysiad;

(b) i'r awdurdod diogelwch adeiladau estyn y dyddiad cau ar gyfer rhoi hysbysiad.

(4) Rhaid i awdurdod diogelwch adeiladau adolygu penderfyniad pan ofynnir iddo wneud hynny.

(5) Mae natur a chwmpas yr adolygiad i fod fel ag y maent yn ymddangos yn briodol i'r awdurdod o dan yr amgylchiadau.

(6) Rhaid i'r adolygiad ystyried unrhyw sylwadau a wneir, neu wybodaeth neu ddogfen a roddir, gan y person yr effeithir arno ar gam sy'n rhoi cyfle rhesymol i'r awdurdod eu hystyried (a chaiff ystyried unrhyw wybodaeth neu ddogfen arall).

(7) Ar ôl i'r adolygiad ddod i ben, rhaid i'r awdurdod—

(a) cadarnhau'r penderfyniad,

(b) amrywio'r penderfyniad, neu

(c) canslo'r penderfyniad.

(8) Rhaid i'r awdurdod, cyn diwedd y cyfnod perthnasol, roi i'r holl bersonau yr effeithir arnynt hysbysiad am ganlyniad yr adolygiad.

(9) Rhaid i'r hysbysiad gynnwys—

(a) y rhesymau dros ganlyniad yr adolygiad, a

(b) gwybodaeth am yr hawl i apelio o dan adran 65.

(10) Os yw'r awdurdod yn methu, cyn diwedd y cyfnod perthnasol, â rhoi hysbysiad am ganlyniad yr adolygiad o dan is-adran (7) i'r person yr effeithir arno a ofynnodd am yr adolygiad—

(a) trinnir yr adolygiad fel pe bai wedi dod i ben ar ddiwedd y cyfnod perthnasol, a thrinnir yr awdurdod fel pe bai wedi cadarnhau'r penderfyniad, a

(b) rhaid i'r awdurdod, cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd y cyfnod hwnnw, roi hysbysiad i'r holl bersonau yr effeithir arnynt o'r ffaith honno.

(11) Rhaid i'r hysbysiad a roddir o dan is-adran (10)(b) gynnwys gwybodaeth am yr hawl i apelio o dan adran 65.

(12) Yn is-adrannau (8) a (10), ystyr "cyfnod perthnasol" yw—

(a) y cyfnod a bennir mewn rheoliadau a wneir gan Weinidogion Cymru, neu

(b) cyfnod arall o'r fath y cytunir arno yn ysgrifenedig rhwng yr awdurdod a'r person yr effeithir arno a ofynnodd am yr adolygiad.

(2) The Welsh Ministers must by regulations make provision about—

(a) how a notice of a request for a review must be given;

(b) the form and content of a notice;

(c) the deadline for giving a notice.

(3) Regulations under subsection (2) may make provision—

(a) about the documents (if any) that must be included with a notice;

(b) for the building safety authority to extend the deadline for giving a notice.

(4) A building safety authority must review a decision where it is requested to do so.

(5) The nature and extent of the review are to be such as appear to the authority to be appropriate in the circumstances.

(6) The review must take account of any representations made, or information or document given, by the affected person at a stage which gives the authority a reasonable opportunity to consider them (and may take account of any other information or document).

(7) On the conclusion of the review, the authority must—

(a) uphold the decision,

(b) vary the decision, or

(c) cancel the decision.

(8) The authority must, before the end of the relevant period, give all affected persons notice of the outcome of the review.

(9) The notice must include—

(a) the reasons for the outcome of the review, and

(b) information about the right of appeal under section 65.

(10) If the authority fails, before the end of the relevant period, to give notice of the outcome of the review under subsection (7) to the affected person who requested the review—

(a) the review is treated as having concluded at the end of the relevant period, and the authority is treated as having upheld the decision, and

(b) the authority must, as soon as reasonably practicable after the end of that period, give all affected persons notice of that fact.

(11) The notice given under subsection (10)(b) must include information about the right of appeal under section 65.

(12) In subsections (8) and (10), "relevant period" means—

(a) the period specified in regulations made by the Welsh Ministers, or

(b) such other period as may be agreed in writing between the authority and the affected person who requested the review.

65 Apêl i dribiwnlys eiddo preswyl

(1) Caiff person yr effeithir arno sy'n anfodlon â chanlyniad adolygiad o dan adran 64 apelio i dribiwnlys eiddo preswyl yn erbyn y penderfyniad adolygadwy.

(2) Os mai canlyniad yr adolygiad yw y caiff y penderfyniad ei amrywio, mae'r hawl i apelio o dan is-adran (1) mewn cysylltiad â'r penderfyniad fel y'i hamrywiwyd.

(3) Rhaid gwneud apêl i'r tribiwnlys cyn diwedd 28 o ddiwrnodau sy'n dechrau â'r diwrnod drannoeth y diwrnod y rhoddir hysbysiad i'r person yr effeithir arno o dan adran 64(8) neu (10)(b).

(4) Caiff y tribiwnlys ganiatáu i apêl gael ei gwneud iddo ar ôl diwedd y cyfnod a grybwyllir yn is-adran (3) os yw wedi ei fodloni bod rheswm da dros y methiant i apelio cyn diwedd y cyfnod hwnnw (a thros unrhyw oedi cyn gwneud cais am ganiatâd i apelio ar ôl yr amser priodol).

(5) Caniateir gwneud apêl ar un neu ragor o'r seiliau a ganlyn—

(a) bod y penderfyniad yn seiliedig ar wall ffeithiol;

(b) bod y penderfyniad yn anghywir mewn cyfraith;

(c) bod y penderfyniad yn afresymol.

(6) Wrth benderfynu'r apêl, caiff y tribiwnlys ystyried tystiolaeth nad oedd ar gael i'r awdurdod.

(7) Ar apêl o dan yr adran hon, caiff y tribiwnlys—

(a) cadarnhau'r penderfyniad,

(b) amrywio'r penderfyniad, neu

(c) diddymu'r penderfyniad.

66 Effaith adolygiad ac apêl

(1) Mae'r adran hon yn gymwys i—

(a) adolygiad o dan adran 64 o benderfyniad adolygadwy;

(b) apêl i dribiwnlys eiddo preswyl o dan adran 65.

(2) Caiff Gweinidogion Cymru drwy reoliadau—

(a) darparu ar gyfer atal dros dro yn ystod y cyfnod adolygu effaith penderfyniad adolygadwy neu unrhyw beth arall a wneir gan awdurdod perthnasol;

(b) gwneud darpariaeth arall ynglŷn ag effaith adolygiad o dan adran 64 yn ystod y cyfnod adolygu (gan gynnwys darpariaeth sy'n rhoi pwerau i awdurdod perthnasol);

(c) darparu ar gyfer atal dros dro yn ystod y cyfnod apelio effaith penderfyniad adolygadwy, canlyniad adolygiad o dan adran 64 neu unrhyw beth arall a wneir gan awdurdod perthnasol;

(d) gwneud darpariaeth arall ynglŷn ag effaith apêl o dan adran 65 yn ystod y cyfnod apelio (gan gynnwys darpariaeth sy'n rhoi pwerau i'r tribiwnlys).

65 Appeal to residential property tribunal

(1) An affected person who is dissatisfied with the outcome of a review under section 64 may appeal to a residential property tribunal against the reviewable decision.

(2) If the outcome of the review is that the decision is varied, the right of appeal under subsection (1) is in respect of the decision as varied.

(3) An appeal must be made to the tribunal before the end of 28 days beginning with the day after the day on which the affected person is given notice under section 64(8) or (10)(b).

(4) The tribunal may allow an appeal to be made to it after the end of the period mentioned in subsection (3) if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay in applying for permission to appeal out of time).

(5) An appeal may be made on one or more of the following grounds—

(a) that the decision was based on an error of fact;

(b) that the decision was wrong in law;

(c) that the decision was unreasonable.

(6) In determining the appeal, the tribunal may take into account evidence that was not available to the authority.

(7) On an appeal under this section, the tribunal may—

(a) uphold the decision,

(b) vary the decision, or

(c) quash the decision.

66 Effect of review and appeal

(1) This section applies to—

(a) a review under section 64 of a reviewable decision;

(b) an appeal to a residential property tribunal under section 65.

(2) The Welsh Ministers may by regulations—

(a) provide for the suspension during the review period of the effect of a reviewable decision or any other thing done by a relevant authority;

(b) make other provision about the effect of a review under section 64 during the review period (including provision conferring powers on a relevant authority);

(c) provide for the suspension during the appeal period of the effect of a reviewable decision, the outcome of a review under section 64 or any other thing done by a relevant authority;

(d) make other provision about the effect of an appeal under section 65 during the appeal period (including provision conferring powers on the tribunal).

(3) Yn is-adran (2)—

ystyr "awdurdod perthnasol" ("*relevant authority*") yw'r awdurdod a wnaeth y penderfyniad adolygadwy;

ystyr "cyfnod adolygu" ("*review period*") yw unrhyw gyfnod pryd—

(a) y gallai person yr effeithir arno ofyn am adolygiad (gan anwybyddu unrhyw bosibilrwydd o gael estyniad i'r dyddiad cau ar gyfer gwneud cais, neu estyniad pellach pan fo un eisoes wedi ei ganiatáu), neu

(b) y mae person yr effeithir arno wedi gofyn am adolygiad ac nid yw—

(i) wedi cael hysbysiad o dan adran 64(8) neu (10)(b), neu

(ii) wedi tynnu'r cais yn ôl;

ystyr "cyfnod apelio" ("*appeal period*") yw unrhyw gyfnod pryd—

(a) y gellid gwneud apêl (gan anwybyddu'r posibilrwydd o gael caniatâd i apelio ar ôl yr amser priodol), neu

(b) y mae apêl wedi ei gwneud ond heb ei phenderfynu'n derfynol na'i thynnu'n ôl.

PENNOD 10

ATODOL

Mynediad i fangre amhreswyl

67 Mynediad i fangre amhreswyl gan berson atebol

(1) Mae'r adran hon yn gymwys pan—

(a) bo person atebol ar gyfer adeilad rheoleiddiedig a feddiennir yn gwneud cais i berson perthnasol am fynediad i fangre berthnasol,

(b) bo'r cais yn cael ei wneud at ddiben a grybwyllir yn is-adran (2),

(c) bo'r cais yn cydymffurfio ag is-adran (3), a

(d) na roddir mynediad i'r fangre.

(2) Y dibenion yw—

(a) pan mai'r person atebol yw'r prif berson atebol ar gyfer yr adeilad, galluogi'r person hwnnw i gydymffurfio ag adrannau 29 i 32 neu reoliadau a wneir o dan yr adrannau hynny (asesu risgiau diogelwch tân sy'n ymwneud ag adeiladau rheoleiddiedig);

(b) galluogi'r person atebol i gydymffurfio ag adran 33 neu reoliadau a wneir oddi tani (rheoli risgiau diogelwch tân sy'n ymwneud ag adeiladau rheoleiddiedig);

(c) galluogi'r person atebol i gydymffurfio ag adran 34 neu 35 neu reoliadau a wneir o dan yr adrannau hynny (asesu a rheoli risgiau diogelwch strwythurol sy'n ymwneud ag adeiladau categori 1 a chategori 2);

(d) galluogi person sy'n cael ei drin yn rhinwedd adran 36 fel person atebol i gydymffurfio ag adran 33 neu 35 neu reoliadau a wneir o dan yr adrannau hynny.

(3) Mae cais yn cydymffurfio â'r is-adran hon os yw—

(a) yn ysgrifenedig,

(3) In subsection (2)—

"appeal period" ("*cyfnod apelio*") means any period during which—

(a) an appeal could be made (ignoring the possibility of obtaining permission to appeal out of time), or

(b) an appeal has been made and has not been finally determined or withdrawn;

"relevant authority" ("*awdurdod perthnasol*") means the authority that made the reviewable decision;

"review period" ("*cyfnod adolygu*") means any period during which—

(a) an affected person could request a review (ignoring any possibility of obtaining an extension of the deadline for making a request, or a further extension where one has already been granted), or

(b) an affected person has requested a review and has not—

(i) been given notice under section 64(8) or (10)(b), or

(ii) withdrawn the request.

CHAPTER 10

SUPPLEMENTARY

Entry to non-residential premises

67 Entry to non-residential premises by accountable person

(1) This section applies where—

(a) an accountable person for an occupied regulated building makes a request to a relevant person for entry to relevant premises,

(b) the request is made for a purpose mentioned in subsection (2),

(c) the request complies with subsection (3), and

(d) entry to the premises is not given.

(2) The purposes are—

(a) where the accountable person is the principal accountable person for the building, enabling that person to comply with sections 29 to 32 or regulations made under those sections (assessment of fire safety risks relating to regulated buildings);

(b) enabling the accountable person to comply with section 33 or regulations made under it (management of fire safety risks relating to regulated buildings);

(c) enabling the accountable person to comply with section 34 or 35 or regulations made under those sections (assessment and management of structural safety risks relating to category 1 and category 2 buildings);

(d) enabling a person who is treated as an accountable person by virtue of section 36 to comply with section 33 or 35 or regulations made under those sections.

(3) A request complies with this subsection if it—

(a) is in writing,

(b) yn nodi'r diben y gwneir y cais ar ei gyfer,

(c) yn egluro pam ei bod yn angenrheidiol mynd i'r fangre berthnasol at y diben hwnnw,

(d) yn nodi enw'r person sy'n cael ei drin fel person atebol os y'i gwneir at y diben a grybwyllir yn is-adran (2)(d), ac

(e) yn gofyn am fynediad ar ddyddiad, ac amser, sy'n rhesymol.

(4) Caiff y person atebol wneud cais i dribiwnlys eiddo preswyl am orchymyn mynediad i fangre amhreswyl o dan yr adran hon.

(5) Mae gorchymyn mynediad i fangre amhreswyl o dan yr adran hon yn orchymyn sydd—

(a) yn ei gwneud yn ofynnol i'r person perthnasol ganiatáu (yn ôl y digwydd)—

(i) i'r person atebol, neu berson a awdurdodir gan y person atebol;

(ii) i'r person sy'n cael ei drin fel person atebol ac a enwir yn y cais o dan is-adran (3)(d), neu berson a awdurdodir gan y person hwnnw,

fynd i'r fangre berthnasol ar amser rhesymol at y diben a nodir yn y cais o dan is-adran (3)(b), a

(b) os yw'n angenrheidiol at y diben hwnnw, yn awdurdodi'r person sy'n mynd i'r fangre yn unol â'r gorchymyn i fesur neu brofi unrhyw beth, neu gymryd samplau, ffotograffau neu recordiadau.

(6) Caiff tribiwnlys eiddo preswyl wneud gorchymyn mynediad i fangre amhreswyl o dan yr adran hon os yw'n fodlon ei bod yn angenrheidiol gwneud hynny at y diben a nodir yn y cais o dan is-adran (3)(b).

(7) Rhaid i'r gorchymyn mynediad i fangre amhreswyl bennu dyddiad y caniateir mynd i'r fangre, neu gyfnod y caniateir i'r mynediad ddigwydd ynddo.

(8) Yn yr adran hon—

ystyr "mangre berthnasol" ("*relevant premises*") yw unrhyw fangre—

(a) sy'n ffurfio rhan o—

(i) yr adeilad rheoleiddiedig, neu

(ii) yr un strwythur neu set o strwythurau â'r adeilad rheoleiddiedig (gweler adrannau 2 i 4) ac sy'n gyfan gwbl neu'n rhannol uwch ben neu o dan yr adeilad rheoleiddiedig, a

(b) nad yw—

(i) yn uned breswyl neu'n rhan o uned breswyl, neu

(ii) yn ardal, neu ran o ardal, a ddarperir at ddefnydd, er budd neu er mwynhad preswylwyr uned breswyl benodol, neu unedau preswyl penodol, yn yr adeilad rheoleiddiedig, y strwythur neu'r set;

ystyr "person perthnasol" ("*relevant person*") yw unrhyw berson a chanddo reolaeth dros fynediad i'r fangre berthnasol.

(b) sets out the purpose for which it is made,

(c) explains why it is necessary to enter the relevant premises for that purpose,

(d) sets out the name of the person who is treated as an accountable person if made for the purpose mentioned in subsection (2)(d), and

(e) requests entry on a date, and at a time, that is reasonable.

(4) The accountable person may apply to a residential property tribunal for a non-residential premises access order under this section.

(5) A non-residential premises access order under this section is an order that—

(a) requires the relevant person to allow (as the case may be)—

(i) the accountable person, or a person authorised by the accountable person;

(ii) the person treated as an accountable person and named in the request under subsection (3)(d), or a person authorised by that person,

to enter the relevant premises at a reasonable time for the purpose set out in the request under subsection (3)(b), and

(b) if necessary for that purpose, authorises the person entering the premises in accordance with the order to measure or test anything, or take samples, photographs or recordings.

(6) A residential property tribunal may make a non-residential premises access order under this section if satisfied that it is necessary to do so for the purpose set out in the request under subsection (3)(b).

(7) The non-residential premises access order must specify a date on which, or a period within which, entry to the premises may be made.

(8) In this section—

"relevant person" ("*person perthnasol*") means any person who has control over entry to the relevant premises;

"relevant premises" ("*mangre perthnasol*") means any premises that—

(a) form part of—

(i) the regulated building, or

(ii) the same structure or set of structures as the regulated building (see sections 2 to 4) and are wholly or partly above or below the regulated building, and

(b) are not—

(i) a residential unit or part of a residential unit, or

(ii) an area, or part of an area, provided for the use, benefit or enjoyment of residents of a particular residential unit, or particular residential units, in the regulated building, structure or set.

Cydweithredu a chydlynu

68 Cydweithredu a chydlynu: dyletswyddau personau atebol

(1) Mae is-adran (2) yn gymwys pan fo mwy nag un person atebol ar gyfer adeilad rheoleiddiedig.

(2) Wrth gyflawni ei ddyletswyddau o dan y Ddeddf hon a'r rheoliadau a wneir oddi tani, rhaid i bob person atebol, i'r graddau y bo hynny'n bosibl, gydweithredu a chydlynu â phob person atebol arall ar gyfer yr adeilad rheoleiddiedig.

(3) Mae is-adran (4) yn gymwys pan fo—

(a) person yn berson atebol ar gyfer adeilad rheoleiddiedig, a

(b) yr adeilad yn cynnwys tŷ amlfeddiannaeth perthnasol y mae un neu ragor o bersonau eraill yn ddeiliaid dyletswydd ar ei gyfer o dan y Ddeddf hon.

(4) Wrth gyflawni ei ddyletswyddau o dan y Ddeddf hon a'r rheoliadau a wneir oddi tani, rhaid i'r person atebol, i'r graddau y bo hynny'n bosibl, gydweithredu a chydlynu â phob deiliad dyletswydd ar gyfer y tŷ amlfeddiannaeth perthnasol.

(5) Mae is-adran (6) yn gymwys pan fo—

(a) person yn berson atebol ar gyfer adeilad categori 1, a

(b) gorchymyn mesurau arbennig mewn grym mewn perthynas â'r adeilad.

(6) Rhaid i'r person atebol gydweithredu â'r rheolwr mesurau arbennig a benodir gan y gorchymyn at ddiben y rheolwr yn cyflawni ei swyddogaethau o dan y gorchymyn.

(7) Mae is-adran (8) yn gymwys pan fo—

(a) person yn berson atebol ar gyfer adeilad rheoleiddiedig, a

(b) gorchymyn o dan adran 24 o Ddeddf Landlord a Thenant 1987 (p. 31) mewn grym sy'n penodi rheolwr i gyflawni unrhyw swyddogaethau diogelwch adeiladau mewn perthynas â'r adeilad neu unrhyw ran ohono.

(8) Rhaid i'r person atebol gydweithredu â'r rheolwr at ddiben y rheolwr yn cyflawni ei swyddogaethau diogelwch adeiladau o dan y gorchymyn.

(9) Yn is-adrannau (7) ac (8), ystyr "swyddogaeth diogelwch adeiladau" yw swyddogaeth y mae'r Ddeddf hon neu reoliadau a wneir oddi tani yn ei darparu i'w chyflawni gan berson atebol ar gyfer yr adeilad rheoleiddiedig.

(10) Mae is-adran (11) yn gymwys pan fo—

(a) person yn berson atebol ar gyfer adeilad rheoleiddiedig, a

(b) un neu ragor o bersonau eraill yn bersonau cyfrifol at ddibenion y Gorchymyn Diogelwch Tân mewn perthynas ag unrhyw fangre sydd—

(i) yn ffurfio rhan o'r adeilad rheoleiddiedig, neu

(ii) yn ffurfio rhan o'r un strwythur neu set o strwythurau â'r adeilad rheoleiddiedig (gweler adrannau 2 i 4) ac sy'n gyfan gwbl neu'n rhannol uwch ben neu o dan yr adeilad rheoleiddiedig.

(11) Rhaid i'r person atebol, i'r graddau y bo hynny'n bosibl, gydweithredu a chydlynu â phob person cyfrifol at ddiben pob person cyfrifol yn cyflawni ei ddyletswyddau o dan y Gorchymyn Diogelwch Tân.

Co-operation and co-ordination

68 Co-operation and co-ordination: duties of accountable persons

(1) Subsection (2) applies where there is more than one accountable person for a regulated building.

(2) When carrying out their duties under this Act and regulations made under it, each accountable person must so far as possible co-operate and co-ordinate with every other accountable person for the regulated building.

(3) Subsection (4) applies where—

(a) a person is an accountable person for a regulated building, and

(b) the building contains a relevant HMO for which one or more other persons are duty holders under this Act.

(4) When carrying out their duties under this Act and regulations made under it, the accountable person must so far as possible co-operate and co-ordinate with each duty holder for the relevant HMO.

(5) Subsection (6) applies where—

(a) a person is an accountable person for a category 1 building, and

(b) a special measures order is in force in relation to the building.

(6) The accountable person must co-operate with the special measures manager appointed by the order for the purpose of the manager carrying out their functions under the order.

(7) Subsection (8) applies where—

(a) a person is an accountable person for a regulated building, and

(b) an order under section 24 of the Landlord and Tenant Act 1987 (c. 31) is in force which appoints a manager to carry out any building safety functions in relation to the building or any part of it.

(8) The accountable person must co-operate with the manager for the purpose of the manager carrying out their building safety functions under the order.

(9) In subsections (7) and (8), "building safety function" means a function which this Act or regulations made under it provide is to be carried out by an accountable person for the regulated building.

(10) Subsection (11) applies where—

(a) a person is an accountable person for a regulated building, and

(b) one or more other persons are responsible persons for the purposes of the Fire Safety Order in relation to any premises that—

(i) form part of the regulated building, or

(ii) form part of the same structure or set of structures as the regulated building (see sections 2 to 4) and are wholly or partly above or below the regulated building.

(11) The accountable person must so far as possible co-operate and co-ordinate with each responsible person for the purpose of each responsible person carrying out their duties under the Fire Safety Order.

(12) Yn yr adran hon, mae "person atebol" yn cynnwys person sy'n cael ei drin fel person atebol yn rhinwedd adran 36.

Adennill costau perthnasol gan brif berson atebol

69 Adennill costau perthnasol gan brif berson atebol

(1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ar gyfer galluogi'r prif berson atebol ar gyfer adeilad rheoleiddiedig i adennill costau perthnasol oddi wrth unrhyw berson arall sy'n berson atebol ar gyfer yr adeilad neu berson sy'n cael ei drin fel person atebol yn rhinwedd adran 36, ac mewn cysylltiad â hynny.

(2) Yn is-adran (1), ystyr "costau perthnasol" yw unrhyw gostau yr aed iddynt neu yr eir iddynt gan y prif berson atebol mewn cysylltiad â'r hyn a ganlyn—

(a) gwneud cais i gofrestru adeilad categori 1 neu adeilad categori 2 yn unol ag adran 20 a rheoliadau a wneir oddi tani;

(b) hysbysu'r awdurdod diogelwch adeiladau ar gyfer adeilad o'r fath am newid yn unol ag adran 21 a rheoliadau a wneir oddi tani;

(c) rhoi declarasiwn i'r awdurdod diogelwch adeiladau ar gyfer adeilad o'r fath yn unol ag adran 24 a rheoliadau a wneir oddi tani;

(d) gwneud cais i ddileu adeilad categori 1 neu adeilad categori 2 o'r gofrestr yn unol ag adran 25 a rheoliadau a wneir oddi tani;

(e) sicrhau bod y risgiau diogelwch tân sy'n ymwneud ag adeilad rheoleiddiedig yn cael eu hasesu, ac y rhoddir copïau o asesiadau, yn unol ag adrannau 29 i 32 a rheoliadau a wneir oddi tanynt;

(f) mewn perthynas ag adeilad categori 1—

(i) llunio ac adolygu adroddiad achos diogelwch, a rhoi copi o'r adroddiad a hysbysiad yn crynhoi'r diwygiadau i'r awdurdod diogelwch adeiladau ar gyfer yr adeilad, yn unol ag adran 37 a rheoliadau a wneir oddi tani;

(ii) sefydlu a gweithredu system cofnodi achlysuron yn unol ag adran 38 a rheoliadau a wneir oddi tani;

(iii) cydymffurfio â'r dyletswyddau a osodir gan adrannau 40 a 41 a rheoliadau a wneir oddi tanynt (strategaeth ymgysylltu â phreswylwyr);

(iv) gwneud cais am dystysgrif adeilad yn unol ag adrannau 42 a 43 a rheoliadau a wneir oddi tanynt;

(v) cydymffurfio â'r dyletswyddau sy'n ymwneud ag arddangos tystysgrifau adeilad a dogfennau eraill a osodir gan adran 45 a rheoliadau a wneir oddi tani;

(vi) sefydlu a gweithredu system ar gyfer ymchwilio i gwynion perthnasol yn unol ag adran 51 a rheoliadau a wneir oddi tani;

(g) mewn perthynas ag adeilad categori 2 neu adeilad categori 3, gwneud trefniadau ar gyfer ystyried cwynion perthnasol a rhoi effaith i'r trefniadau hynny yn unol â rheoliadau o dan adran 52;

(h) gwneud cais am fynediad i fangre, neu gwneud cais i dribiwnlys eiddo preswyl am orchymyn mynediad, yn unol ag adran 58;

(12) In this section "accountable person" includes a person who is treated as an accountable person by virtue of section 36.

Recovery of relevant costs by principal accountable person

69 Recovery of relevant costs by principal accountable person

(1) The Welsh Ministers may by regulations make provision for and in connection with enabling the principal accountable person for a regulated building to recover relevant costs from any other person who is an accountable person for the building or is treated as an accountable person by virtue of section 36.

(2) In subsection (1), "relevant costs" means any costs incurred or to be incurred by the principal accountable person in connection with—

(a) applying to register a category 1 building or a category 2 building in accordance with section 20 and regulations made under it;

(b) notifying the building safety authority for such a building of a change in accordance with section 21 and regulations made under it;

(c) giving a declaration to the building safety authority for such a building in accordance with section 24 and regulations made under it;

(d) applying to remove a category 1 building or a category 2 building from the register in accordance with section 25 and regulations made under it;

(e) ensuring that the fire safety risks relating to a regulated building are assessed, and copies of assessments are given, in accordance with sections 29 to 32 and regulations made under them;

(f) in relation to a category 1 building—

(i) preparing and revising a safety case report, and giving a copy of the report and notice summarising the revisions to the building safety authority for the building, in accordance with section 37 and regulations made under it;

(ii) establishing and operating an occurrence recording system in accordance with section 38 and regulations made under it;

(iii) complying with the duties imposed by sections 40 and 41 and regulations made under them (residents' engagement strategy);

(iv) applying for a building certificate in accordance with sections 42 and 43 and regulations made under them;

(v) complying with the duties relating to the display of building certificates and other documents imposed by section 45 and regulations made under it;

(vi) establishing and operating a system for the investigation of relevant complaints in accordance with section 51 and regulations made under it;

(g) in relation to a category 2 or a category 3 building, making and giving effect to arrangements for the consideration of relevant complaints in accordance with regulations under section 52;

(h) making a request to enter premises, or applying to a residential property tribunal for an access order, in accordance with section 58;

(i) rhoi hysbysiad rhybuddio yn unol ag adran 59 neu 60 a rheoliadau a wneir o dan adran 62;

(j) gwneud cais i dribiwnlys eiddo preswyl am orchymyn torri yn unol ag adran 61.

Lesoedd

70 Lesoedd: telerau ymhlyg sy'n ymwneud â chydymffurfio â dyletswyddau diogelwch adeiladau

Yn Neddf Landlord a Thenant 1985 (p. 70), ar ôl adran 30I mewnosoder—

"*Regulated buildings in Wales: implied terms and liability for costs*

30IA Wales: implied terms relating to building safety

(1) This section applies to a lease of premises which consist of or include a dwelling in a regulated building.

(2) In the lease there is implied a covenant by each relevant person—

(a) where the relevant person is an accountable person for the building, to comply with their building safety duties;

(b) to co-operate with any person in connection with an accountable person complying with their building safety duties.

(3) In the lease there is implied a covenant by the tenant to comply with—

(a) any repairs access order made in respect of the tenant under section 57 of the Building Safety (Wales) Act 2026;

(b) any access order made in respect of the tenant under section 58 of that Act;

(c) any contravention order made in respect of the tenant under section 61 of that Act;

(d) any compliance notice given to the tenant under section 96 of that Act.

(4) In the covenant implied by subsection (2)(b), to "co-operate" with a person includes—

(a) taking any steps that are reasonably required by the person to facilitate compliance by an accountable person with their building safety duties;

(b) where the person is an accountable person or a person authorised in writing by an accountable person, providing any information (including names and contact details of residents and tenants of the premises) to the person that is reasonably required in connection with the accountable person complying with their building safety duties.

(5) The disclosure of information in accordance with subsections (2)(b) and (4)(b) does not breach—

(i) giving a warning notice in accordance with section 59 or 60 and regulations made under section 62;

(j) applying to a residential property tribunal for a contravention order in accordance with section 61.

Leases

70 Leases: implied terms relating to compliance with building safety duties

In the Landlord and Tenant Act 1985 (c. 70), after section 30I insert—

"*Regulated buildings in Wales: implied terms and liability for costs*

30IA Wales: implied terms relating to building safety

(1) This section applies to a lease of premises which consist of or include a dwelling in a regulated building.

(2) In the lease there is implied a covenant by each relevant person—

(a) where the relevant person is an accountable person for the building, to comply with their building safety duties;

(b) to co-operate with any person in connection with an accountable person complying with their building safety duties.

(3) In the lease there is implied a covenant by the tenant to comply with—

(a) any repairs access order made in respect of the tenant under section 57 of the Building Safety (Wales) Act 2026;

(b) any access order made in respect of the tenant under section 58 of that Act;

(c) any contravention order made in respect of the tenant under section 61 of that Act;

(d) any compliance notice given to the tenant under section 96 of that Act.

(4) In the covenant implied by subsection (2)(b), to "co-operate" with a person includes—

(a) taking any steps that are reasonably required by the person to facilitate compliance by an accountable person with their building safety duties;

(b) where the person is an accountable person or a person authorised in writing by an accountable person, providing any information (including names and contact details of residents and tenants of the premises) to the person that is reasonably required in connection with the accountable person complying with their building safety duties.

(5) The disclosure of information in accordance with subsections (2)(b) and (4)(b) does not breach—

(a) any obligation of confidence owed by a relevant person in relation to that information;

(b) any other restriction on the disclosure of information (however imposed).

(6) But see also section 183A of the Data Protection Act 2018 (protection of requirements for processing personal data).

(7) In this section—

"relevant person" means—

(a) the landlord under the lease;

(b) any other person by whom obligations relating to the management of the premises or any part of them are owed to the tenant under the lease;

"resident" has the same meaning as in the Building Safety (Wales) Act 2026 (see section 136 of that Act)."

71 Atebolrwydd tenantiaid am gostau sy'n ymwneud â diogelwch adeiladau

Yn Neddf Landlord a Thenant 1985 (p. 70), ar ôl adran 30IA (fel y'i mewnosodwyd gan adran 70) mewnosoder—

"30IB Wales: liability for building safety costs

(1) This section applies to a relevant lease of premises which consist of or include a dwelling in a regulated building.

(2) In this section "relevant lease"—

(a) means a lease—

(i) that is granted for a fixed term of 7 years or more, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture, and

(ii) under which the tenant is liable to pay a variable service charge (within the meaning of section 18), but

(b) does not include an occupation contract.

(3) The relevant lease has effect—

(a) as if the matters for which the service charge is payable under the lease included the taking of building safety measures by or on behalf of a relevant person (insofar as this would not otherwise be the case), and

(b) where the lease contains different methods for apportioning different relevant costs (within the meaning of section 18), as if it provided for any costs for which the tenant is liable by virtue only of paragraph (a) to be apportioned in the same way as costs incurred in connection with insuring the building.

(a) any obligation of confidence owed by a relevant person in relation to that information;

(b) any other restriction on the disclosure of information (however imposed).

(6) But see also section 183A of the Data Protection Act 2018 (protection of requirements for processing personal data).

(7) In this section—

"relevant person" means—

(a) the landlord under the lease;

(b) any other person by whom obligations relating to the management of the premises or any part of them are owed to the tenant under the lease;

"resident" has the same meaning as in the Building Safety (Wales) Act 2026 (see section 136 of that Act)."

71 Liability of tenants for costs relating to building safety

In the Landlord and Tenant Act 1985 (c. 70), after section 30IA (as inserted by section 70) insert—

"30IB Wales: liability for building safety costs

(1) This section applies to a relevant lease of premises which consist of or include a dwelling in a regulated building.

(2) In this section "relevant lease"—

(a) means a lease—

(i) that is granted for a fixed term of 7 years or more, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture, and

(ii) under which the tenant is liable to pay a variable service charge (within the meaning of section 18), but

(b) does not include an occupation contract.

(3) The relevant lease has effect—

(a) as if the matters for which the service charge is payable under the lease included the taking of building safety measures by or on behalf of a relevant person (insofar as this would not otherwise be the case), and

(b) where the lease contains different methods for apportioning different relevant costs (within the meaning of section 18), as if it provided for any costs for which the tenant is liable by virtue only of paragraph (a) to be apportioned in the same way as costs incurred in connection with insuring the building.

(4) For the purposes of this section any of the following incurred in connection with the taking of a building safety measure are to be regarded as incurred in taking the measure—

(a) legal and other professional fees;

(b) fees payable to a building safety authority;

(c) management costs.

(5) In this section—

"building safety measure" has the meaning given by section 30IC;

"landlord" includes any person who has a right under the lease to enforce payment of a service charge (within the meaning of section 18);

"occupation contract" has the meaning given by section 7 of the Renting Homes (Wales) Act 2016;

"relevant person" means—

(a) the landlord, if the landlord is an accountable person for the building;

(b) otherwise, any superior landlord who is an accountable person for the building;

"tenant" includes any person who has an obligation under the lease to pay a service charge (within the meaning of section 18).

30IC Meaning of "building safety measure"

(1) This section applies for the purposes of section 30IB.

(2) "Building safety measure" means any of the following—

(a) applying to register a category 1 building or a category 2 building in accordance with section 20 of the Building Safety (Wales) Act 2026 and regulations made under it;

(b) notifying the building safety authority for such a building of a change in accordance with section 21 of that Act and regulations made under it;

(c) giving a declaration to the building safety authority for such a building in accordance with section 24 of that Act and regulations made under it;

(d) applying to remove a category 1 building or a category 2 building from the register in accordance with section 25 of that Act and regulations made under it;

(e) ensuring that the fire safety risks relating to a regulated building are assessed, and copies of assessments are given, in accordance with sections 29 to 32 of that Act and regulations made under them;

(4) For the purposes of this section any of the following incurred in connection with the taking of a building safety measure are to be regarded as incurred in taking the measure—

(a) legal and other professional fees;

(b) fees payable to a building safety authority;

(c) management costs.

(5) In this section—

"building safety measure" has the meaning given by section 30IC;

"landlord" includes any person who has a right under the lease to enforce payment of a service charge (within the meaning of section 18);

"occupation contract" has the meaning given by section 7 of the Renting Homes (Wales) Act 2016;

"relevant person" means—

(a) the landlord, if the landlord is an accountable person for the building;

(b) otherwise, any superior landlord who is an accountable person for the building;

"tenant" includes any person who has an obligation under the lease to pay a service charge (within the meaning of section 18).

30IC Meaning of "building safety measure"

(1) This section applies for the purposes of section 30IB.

(2) "Building safety measure" means any of the following—

(a) applying to register a category 1 building or a category 2 building in accordance with section 20 of the Building Safety (Wales) Act 2026 and regulations made under it;

(b) notifying the building safety authority for such a building of a change in accordance with section 21 of that Act and regulations made under it;

(c) giving a declaration to the building safety authority for such a building in accordance with section 24 of that Act and regulations made under it;

(d) applying to remove a category 1 building or a category 2 building from the register in accordance with section 25 of that Act and regulations made under it;

(e) ensuring that the fire safety risks relating to a regulated building are assessed, and copies of assessments are given, in accordance with sections 29 to 32 of that Act and regulations made under them;

(f) taking reasonable steps in accordance with section 33 of that Act and regulations made under it (management of fire safety risks), other than steps involving the carrying out of works as referred to in section 33(3);

(g) ensuring that the structural safety risks relating to a category 1 building or a category 2 building are assessed, and copies of assessments are given, in accordance with section 34 of that Act and regulations made under it;

(h) taking reasonable steps in accordance with section 35 of that Act and regulations made under it (management of structural safety risks), other than steps involving the carrying out of works as referred to in section 35(2);

(i) keeping (and where necessary obtaining) information and documents relating to a regulated building in accordance with section 48 of that Act and regulations made under it;

(j) giving information and documents to an accountable person in accordance with section 47 of that Act;

(k) giving information and documents to a person in accordance with regulations under section 49 or 50 of that Act;

(l) making a request to enter premises, or applying to a residential property tribunal for an access order, in accordance with section 58 of that Act (entry to residential units etc.);

(m) giving a warning notice in accordance with section 59 or 60 of that Act (enforcement of duties relating to residents etc. and residential units) and regulations made under section 62 of that Act;

(n) applying to a residential property tribunal for a contravention order in accordance with section 61 of that Act (enforcement of duties relating to residential units and residents etc.);

(o) making a request to enter premises, or applying to a residential property tribunal for a non-residential premises access order, in accordance with section 67 of that Act;

(p) giving information and documents to a duty holder in accordance with section 86 of that Act.

(3) In relation to a category 1 building, "building safety measure" also includes any of the following—

(a) preparing and revising a safety case report, and giving a copy of the report and notice summarising the revisions to the building safety authority for the building, in accordance with section 37 of the Building Safety (Wales) Act 2026 and regulations made under it;

(f) taking reasonable steps in accordance with section 33 of that Act and regulations made under it (management of fire safety risks), other than steps involving the carrying out of works as referred to in section 33(3);

(g) ensuring that the structural safety risks relating to a category 1 building or a category 2 building are assessed, and copies of assessments are given, in accordance with section 34 of that Act and regulations made under it;

(h) taking reasonable steps in accordance with section 35 of that Act and regulations made under it (management of structural safety risks), other than steps involving the carrying out of works as referred to in section 35(2);

(i) keeping (and where necessary obtaining) information and documents relating to a regulated building in accordance with section 48 of that Act and regulations made under it;

(j) giving information and documents to an accountable person in accordance with section 47 of that Act;

(k) giving information and documents to a person in accordance with regulations under section 49 or 50 of that Act;

(l) making a request to enter premises, or applying to a residential property tribunal for an access order, in accordance with section 58 of that Act (entry to residential units etc.);

(m) giving a warning notice in accordance with section 59 or 60 of that Act (enforcement of duties relating to residents etc. and residential units) and regulations made under section 62 of that Act;

(n) applying to a residential property tribunal for a contravention order in accordance with section 61 of that Act (enforcement of duties relating to residential units and residents etc.);

(o) making a request to enter premises, or applying to a residential property tribunal for a non-residential premises access order, in accordance with section 67 of that Act;

(p) giving information and documents to a duty holder in accordance with section 86 of that Act.

(3) In relation to a category 1 building, "building safety measure" also includes any of the following—

(a) preparing and revising a safety case report, and giving a copy of the report and notice summarising the revisions to the building safety authority for the building, in accordance with section 37 of the Building Safety (Wales) Act 2026 and regulations made under it;

(b) establishing and operating an occurrence recording system, and giving information to the building safety authority and fire safety authority, in accordance with sections 38 and 39 of that Act and regulations made under them;

(c) complying with the duties imposed by sections 40 and 41 of that Act and regulations made under them (residents' engagement strategy);

(d) applying for a building certificate in accordance with sections 42 and 43 of that Act and regulations made under them;

(e) complying with the duties relating to the display of building certificates and other documents imposed by section 45 of that Act and regulations made under it;

(f) establishing and operating a system for the investigation of relevant complaints in accordance with section 51 of that Act and regulations made under it.

(4) In relation to a category 2 building or a category 3 building, "building safety measure" also includes making and giving effect to arrangements for the consideration of relevant complaints in accordance with regulations under section 52 of the Building Safety (Wales) Act 2026.

(5) The Welsh Ministers may by regulations amend subsection (2), (3) or (4) to add, remove or modify a building safety measure.

(6) The regulations may make supplementary, incidental, transitional or saving provision (including provision amending this Act).

(7) Regulations under subsection (5) are to be made by Welsh statutory instrument and are subject to the Senedd approval procedure."

72 Darpariaeth bellach ynghylch telerau ymhlyg ac atebolrwydd am gostau

(1) Mae Deddf Landlord a Thenant 1985 (p. 70) wedi ei diwygio fel a ganlyn.

(2) Yn adran 20(1)(b) (cyfyngiadau taliadau gwasanaeth: gofynion ymgynghori), ar ôl "section 20D" mewnosoder "or section 20DA".

(3) Yn adran 20ZA (gofynion ymgynghori: atodol), yn is-adran (5A)—

(a) yn y geiriau agoriadol, ar ôl "section 20D" mewnosoder "(limitation of service charges relating to remediation works: England) or section 20DA (limitation of variable service charges relating to building safety works: Wales)";

(b) ym mharagraff (a), ar ôl "section 20D(2)" mewnosoder "or section 20DA(2)".

(4) Ar ôl adran 20D (cyfyngiadau taliadau gwasanaeth: gwaith cyweirio), mewnosoder—

"20DA Wales: limitation of variable service charges relating to building safety works

(1) This section applies in relation to a lease to which section 30IB (regulated buildings in Wales: liability for building safety costs) applies.

(b) establishing and operating an occurrence recording system, and giving information to the building safety authority and fire safety authority, in accordance with sections 38 and 39 of that Act and regulations made under them;

(c) complying with the duties imposed by sections 40 and 41 of that Act and regulations made under them (residents' engagement strategy);

(d) applying for a building certificate in accordance with sections 42 and 43 of that Act and regulations made under them;

(e) complying with the duties relating to the display of building certificates and other documents imposed by section 45 of that Act and regulations made under it;

(f) establishing and operating a system for the investigation of relevant complaints in accordance with section 51 of that Act and regulations made under it.

(4) In relation to a category 2 building or a category 3 building, "building safety measure" also includes making and giving effect to arrangements for the consideration of relevant complaints in accordance with regulations under section 52 of the Building Safety (Wales) Act 2026.

(5) The Welsh Ministers may by regulations amend subsection (2), (3) or (4) to add, remove or modify a building safety measure.

(6) The regulations may make supplementary, incidental, transitional or saving provision (including provision amending this Act).

(7) Regulations under subsection (5) are to be made by Welsh statutory instrument and are subject to the Senedd approval procedure."

72 Further provision about implied terms and liability for costs

(1) The Landlord and Tenant Act 1985 (c. 70) is amended as follows.

(2) In section 20(1)(b) (limitation of service charges: consultation requirements), after "section 20D" insert "or section 20DA".

(3) In section 20ZA (consultation requirements: supplementary), in subsection (5A)—

(a) in the opening words, after "section 20D" insert "(limitation of service charges relating to remediation works: England) or section 20DA (limitation of variable service charges relating to building safety works: Wales)";

(b) in paragraph (a), after "section 20D(2)" insert "or section 20DA(2)".

(4) After section 20D (limitation of service charges: remediation works), insert—

"20DA Wales: limitation of variable service charges relating to building safety works

(1) This section applies in relation to a lease to which section 30IB (regulated buildings in Wales: liability for building safety costs) applies.

(2) The relevant person must—

(a) take reasonable steps to ascertain whether any grant is payable in respect of building safety works and, if so, to obtain the grant;

(b) take reasonable steps to ascertain whether monies may be obtained from a third party in connection with the undertaking of building safety works and, if so, to obtain monies from the third party;

(c) take prescribed steps relating to any other prescribed kind of funding.

(3) In subsection (2)(b) the reference to obtaining monies from a third party includes obtaining monies—

(a) under a policy of insurance;

(b) under a guarantee or indemnity;

(c) pursuant to a claim made against—

(i) a developer,

(ii) a person involved in the design of the building or of works to the building, or

(iii) a person involved in the carrying out of works in relation to the building.

(4) Where any funding of a kind mentioned in subsection (2) is obtained, the amount of the funding is to be deducted from the building safety costs (and the amount of any variable service charge is to be reduced accordingly).

(5) In the case of a failure to comply with subsection (2), a tenant may make an application to the appropriate tribunal for an order that all or any of the building safety costs are not to be regarded as relevant costs to be taken into account in determining the amount of any variable service charge payable by—

(a) the tenant, or

(b) anyone else specified in the application.

(6) The tribunal may make such order on the application as it considers just and equitable in the circumstances.

(7) Nothing in this section requires the relevant person to do anything mentioned in subsection (2) before carrying out the building safety works.

(8) The Welsh Ministers may issue guidance about the taking of steps under subsection (2), and may revise or withdraw any issued guidance.

(9) Where on an application under this section it is alleged that a person failed to comply with subsection (2)—

(2) The relevant person must—

(a) take reasonable steps to ascertain whether any grant is payable in respect of building safety works and, if so, to obtain the grant;

(b) take reasonable steps to ascertain whether monies may be obtained from a third party in connection with the undertaking of building safety works and, if so, to obtain monies from the third party;

(c) take prescribed steps relating to any other prescribed kind of funding.

(3) In subsection (2)(b) the reference to obtaining monies from a third party includes obtaining monies—

(a) under a policy of insurance;

(b) under a guarantee or indemnity;

(c) pursuant to a claim made against—

(i) a developer,

(ii) a person involved in the design of the building or of works to the building, or

(iii) a person involved in the carrying out of works in relation to the building.

(4) Where any funding of a kind mentioned in subsection (2) is obtained, the amount of the funding is to be deducted from the building safety costs (and the amount of any variable service charge is to be reduced accordingly).

(5) In the case of a failure to comply with subsection (2), a tenant may make an application to the appropriate tribunal for an order that all or any of the building safety costs are not to be regarded as relevant costs to be taken into account in determining the amount of any variable service charge payable by—

(a) the tenant, or

(b) anyone else specified in the application.

(6) The tribunal may make such order on the application as it considers just and equitable in the circumstances.

(7) Nothing in this section requires the relevant person to do anything mentioned in subsection (2) before carrying out the building safety works.

(8) The Welsh Ministers may issue guidance about the taking of steps under subsection (2), and may revise or withdraw any issued guidance.

(9) Where on an application under this section it is alleged that a person failed to comply with subsection (2)—

(a) proof of a failure to comply with any applicable guidance may be relied on as tending to establish that there was such a failure, and

(a) proof of compliance with any applicable guidance may be relied on as tending to establish that there was no such failure.

(10) In this section—

"building safety costs" means costs incurred or to be incurred in carrying out building safety works;

"building safety works" has the meaning given by section 20DB;

"developer", in relation to a building, means a person who undertakes or commissions the construction or conversion of the building with a view to granting or disposing of interests in the building (or parts of it);

"prescribed" means prescribed by regulations made by the Welsh Ministers;

"regulated building" has the meaning given by sections 2 and 7 of the Building Safety (Wales) Act 2026;

"relevant person" means—

(a) the landlord, if the landlord is an accountable person for the building;

(b) otherwise, any superior landlord who is an accountable person for the building;

"third party" means a person other than a tenant.

(11) In subsection (10), "accountable person" has the meaning given by section 8 of the Building Safety (Wales) Act 2026.

(12) Regulations under subsection (2)(c) are to be made by Welsh statutory instrument and are subject to the Senedd annulment procedure.

20DB Meaning of "building safety works"

(1) This section applies for the purposes of section 20DA.

(2) "Building safety works" means—

(a) in relation to a regulated building, works as referred to in section 33(3) of the Building Safety (Wales) Act 2026;

(b) in relation to a category 1 or a category 2 building, works as referred to in section 35(2) of that Act.

(3) The Welsh Ministers may by regulations prescribe for the purposes of subsection (2) works that are not to be regarded as "building safety works" despite those works falling within subsection (2).

(4) In this section—

(a) proof of a failure to comply with any applicable guidance may be relied on as tending to establish that there was such a failure, and

(b) proof of compliance with any applicable guidance may be relied on as tending to establish that there was no such failure.

(10) In this section—

"building safety costs" means costs incurred or to be incurred in carrying out building safety works;

"building safety works" has the meaning given by section 20DB;

"developer", in relation to a building, means a person who undertakes or commissions the construction or conversion of the building with a view to granting or disposing of interests in the building (or parts of it);

"prescribed" means prescribed by regulations made by the Welsh Ministers;

"regulated building" has the meaning given by sections 2 and 7 of the Building Safety (Wales) Act 2026;

"relevant person" means—

(a) the landlord, if the landlord is an accountable person for the building;

(b) otherwise, any superior landlord who is an accountable person for the building;

"third party" means a person other than a tenant.

(11) In subsection (10), "accountable person" has the meaning given by section 8 of the Building Safety (Wales) Act 2026.

(12) Regulations under subsection (2)(c) are to be made by Welsh statutory instrument and are subject to the Senedd annulment procedure.

20DB Meaning of "building safety works"

(1) This section applies for the purposes of section 20DA.

(2) "Building safety works" means—

(a) in relation to a regulated building, works as referred to in section 33(3) of the Building Safety (Wales) Act 2026;

(b) in relation to a category 1 or a category 2 building, works as referred to in section 35(2) of that Act.

(3) The Welsh Ministers may by regulations prescribe for the purposes of subsection (2) works that are not to be regarded as "building safety works" despite those works falling within subsection (2).

(4) In this section—

"category 1 building" and "category 2 building" have the meanings given by sections 6 and 7 of the Building Safety (Wales) Act 2026;

"regulated building" has the meaning given by sections 2 and 7 of that Act.

(5) Regulations under subsection (3) are to be made by Welsh statutory instrument and are subject to the Senedd annulment procedure."

(5) Ar ôl adran 30IC (fel y'i mewnosodir gan adran 71) mewnosoder—

"30ID Wales: implied terms and liability for costs where order appointing manager for building is in force

(1) This section applies to a lease of premises which consist of or include—

(a) a flat in a regulated building, if an order under section 24 of the Landlord and Tenant Act 1987 (c. 31) is in force which appoints a manager to carry out any of the building safety duties of an accountable person for the building;

(b) a dwelling in a category 1 building, if a special measures order under section 109 of the Building Safety (Wales) Act 2026 is in force in relation to the building.

(2) Section 30IA applies to the lease with the following modifications—

(a) except in subsection (2)(a), references to an accountable person are to be read as including the manager appointed by the order;

(b) references to the building safety duties of an accountable person are to be read as including any duties of the manager under the order.

(3) In the lease there are implied (in addition to the covenants in section 30IA(2) and (3))—

(a) a covenant by each relevant person (within the meaning of section 30IA) to comply with the order so far as it relates to that person;

(b) a covenant by the tenant to comply with the order so far as it relates to the tenant.

(4) If the lease is a relevant lease for the purposes of section 30IB, the reference to a relevant person in subsection (3)(a) of that section is to be read as including the manager appointed by the order.

30IE Restrictions on contracting out

(1) A covenant or agreement, whether contained in a lease to which section 30IA (Wales: implied building safety terms) applies or in an agreement collateral to such a lease, is void in so far as it purports—

(a) to exclude or limit the obligations of a relevant person (within the meaning of section 30IA) or a tenant under section 30IA or 30ID(3), or

"category 1 building" and "category 2 building" have the meanings given by sections 6 and 7 of the Building Safety (Wales) Act 2026;

"regulated building" has the meaning given by sections 2 and 7 of that Act.

(5) Regulations under subsection (3) are to be made by Welsh statutory instrument and are subject to the Senedd annulment procedure."

(5) After section 30IC (as inserted by section 71) insert—

"30ID Wales: implied terms and liability for costs where order appointing manager for building is in force

(1) This section applies to a lease of premises which consist of or include—

(a) a flat in a regulated building, if an order under section 24 of the Landlord and Tenant Act 1987 (c. 31) is in force which appoints a manager to carry out any of the building safety duties of an accountable person for the building;

(b) a dwelling in a category 1 building, if a special measures order under section 109 of the Building Safety (Wales) Act 2026 is in force in relation to the building.

(2) Section 30IA applies to the lease with the following modifications—

(a) except in subsection (2)(a), references to an accountable person are to be read as including the manager appointed by the order;

(b) references to the building safety duties of an accountable person are to be read as including any duties of the manager under the order.

(3) In the lease there are implied (in addition to the covenants in section 30IA(2) and (3))—

(a) a covenant by each relevant person (within the meaning of section 30IA) to comply with the order so far as it relates to that person;

(b) a covenant by the tenant to comply with the order so far as it relates to the tenant.

(4) If the lease is a relevant lease for the purposes of section 30IB, the reference to a relevant person in subsection (3)(a) of that section is to be read as including the manager appointed by the order.

30IE Restrictions on contracting out

(1) A covenant or agreement, whether contained in a lease to which section 30IA (Wales: implied building safety terms) applies or in an agreement collateral to such a lease, is void in so far as it purports—

(a) to exclude or limit the obligations of a relevant person (within the meaning of section 30IA) or a tenant under section 30IA or 30ID(3), or

(b) to authorise any forfeiture or impose on the tenant any penalty, disability or obligation in the event of the tenant enforcing or relying upon the obligations of a relevant person.

(2) A covenant or agreement, whether contained in a lease to which section 30IB (Wales: liability for building safety costs) applies or in an agreement collateral to such a lease, is void insofar as it purports to modify the effect of section 30IB(3).

30IF Jurisdiction of county court

The county court has jurisdiction to deal with any claim or other proceedings arising under or in connection with sections 30IA to 30IE (Wales: implied terms and liability for costs) notwithstanding that by reason of the amount of the claim or otherwise the case would not, apart from this section, be within the jurisdiction of the county court.

30IG Specific performance of implied terms

In proceedings relating to a breach of a covenant in section 30IA(2) or (3) or section 30ID(3) (Wales: implied building safety terms), the court may order specific performance of the covenant—

(a) notwithstanding any equitable rule restricting the scope of the remedy, whether on the basis of a lack of mutuality or otherwise, and

(b) except in the case of a breach of the covenant in section 30IA(3)(a), whether or not the breach relates to a part of the regulated building let to the tenant.

30IH Wales: interpretation of building safety provisions

In sections 30IA to 30IG—

"accountable person" has the meaning given by section 8 of the Building Safety (Wales) Act 2026;

"building safety authority" has the meaning given by section 122 of that Act;

"building safety duties", in relation to an accountable person, means any duties of the accountable person under the Building Safety (Wales) Act 2026 or regulations made under it;

"category 1 building", "category 2 building" and "category 3 building" have the meanings given by sections 6 and 7 of that Act;

"lease" does not include a mortgage term;

"regulated building" has the meaning given by sections 2 and 7 of the Building Safety (Wales) Act 2026."

(b) to authorise any forfeiture or impose on the tenant any penalty, disability or obligation in the event of the tenant enforcing or relying upon the obligations of a relevant person.

(2) A covenant or agreement, whether contained in a lease to which section 30IB (Wales: liability for building safety costs) applies or in an agreement collateral to such a lease, is void insofar as it purports to modify the effect of section 30IB(3).

30IF Jurisdiction of county court

The county court has jurisdiction to deal with any claim or other proceedings arising under or in connection with sections 30IA to 30IE (Wales: implied terms and liability for costs) notwithstanding that by reason of the amount of the claim or otherwise the case would not, apart from this section, be within the jurisdiction of the county court.

30IG Specific performance of implied terms

In proceedings relating to a breach of a covenant in section 30IA(2) or (3) or section 30ID(3) (Wales: implied building safety terms), the court may order specific performance of the covenant—

(a) notwithstanding any equitable rule restricting the scope of the remedy, whether on the basis of a lack of mutuality or otherwise, and

(b) except in the case of a breach of the covenant in section 30IA(3)(a), whether or not the breach relates to a part of the regulated building let to the tenant.

30IH Wales: interpretation of building safety provisions

In sections 30IA to 30IG—

"accountable person" has the meaning given by section 8 of the Building Safety (Wales) Act 2026;

"building safety authority" has the meaning given by section 122 of that Act;

"building safety duties", in relation to an accountable person, means any duties of the accountable person under the Building Safety (Wales) Act 2026 or regulations made under it;

"category 1 building", "category 2 building" and "category 3 building" have the meanings given by sections 6 and 7 of that Act;

"lease" does not include a mortgage term;

"regulated building" has the meaning given by sections 2 and 7 of the Building Safety (Wales) Act 2026."

(6) Yn adran 30 (dehongli), yn y diffiniad o "services", ar y diwedd mewnosoder "and, in relation to a dwelling in a regulated building (as defined by section 30IH), building safety measures within the meaning of section 30IC".

(7) Yn adran 32(1) (darpariaethau nad ydynt yn gymwys i denantiaethau busnes), ar ddiwedd y rhestr o ddarpariaethau mewnosoder—

"sections 30IA to 30IH (regulated buildings in Wales: implied terms and liability for costs)."

73 Costau sy'n ymwneud â gorfodi etc. wedi eu heithrio o'r tâl gwasanaeth amrywiadwy

Yn Neddf Landlord a Thenant 1985 (p. 70), ar ôl adran 20F mewnosoder—

"20FA Limitation of variable service charges: excluded costs for regulated buildings in Wales

(1) This section applies in relation to a lease to which section 30IB (regulated buildings in Wales: liability for building safety costs) applies.

(2) Excluded costs are not to be regarded as relevant costs to be taken into account in determining the amount of any variable service charge payable by a tenant under the lease.

(3) In this section "excluded costs" means any of the following costs in connection with the Building Safety (Wales) Act 2026 or regulations made under it—

(a) costs incurred or to be incurred by or on behalf of a relevant person solely as a result of any penalty imposed or enforcement action taken by an enforcing authority;

(b) legal costs incurred or to be incurred by or on behalf of a relevant person in connection with management order proceedings relating to the building;

(c) costs that a management order provides are to be met by any person other than a relevant person or the tenant under the lease;

(d) costs incurred or to be incurred by or on behalf of a relevant person by reason of any negligence, breach of contract or unlawful act on the part of that relevant person or a person acting on their behalf.

(4) In this section—

"enforcement action" means action taken with a view to, or in connection with—

(a) securing compliance with the Building Safety (Wales) Act 2026 or regulations made under it, or

(b) the imposition of a sanction in respect of a contravention of that Act or those regulations;

(6) In section 30 (interpretation), in the definition of "services", at the end insert "and, in relation to a dwelling in a regulated building (as defined by section 30IH), building safety measures within the meaning of section 30IC".

(7) In section 32(1) (provisions not applying to business tenancies), at the end of the list of provisions insert—

"sections 30IA to 30IH (regulated buildings in Wales: implied terms and liability for costs)."

73 Costs relating to enforcement etc. excluded from variable service charge

In the Landlord and Tenant Act 1985 (c. 70), after section 20F insert—

"20FA Limitation of variable service charges: excluded costs for regulated buildings in Wales

(1) This section applies in relation to a lease to which section 30IB (regulated buildings in Wales: liability for building safety costs) applies.

(2) Excluded costs are not to be regarded as relevant costs to be taken into account in determining the amount of any variable service charge payable by a tenant under the lease.

(3) In this section "excluded costs" means any of the following costs in connection with the Building Safety (Wales) Act 2026 or regulations made under it—

(a) costs incurred or to be incurred by or on behalf of a relevant person solely as a result of any penalty imposed or enforcement action taken by an enforcing authority;

(b) legal costs incurred or to be incurred by or on behalf of a relevant person in connection with management order proceedings relating to the building;

(c) costs that a management order provides are to be met by any person other than a relevant person or the tenant under the lease;

(d) costs incurred or to be incurred by or on behalf of a relevant person by reason of any negligence, breach of contract or unlawful act on the part of that relevant person or a person acting on their behalf.

(4) In this section—

"enforcement action" means action taken with a view to, or in connection with—

(a) securing compliance with the Building Safety (Wales) Act 2026 or regulations made under it, or

(b) the imposition of a sanction in respect of a contravention of that Act or those regulations;

"enforcing authority" has the meaning given by section 94 of the Building Safety (Wales) Act 2026;

"management order" means—

(a) an order under section 24 of the Landlord and Tenant Act 1987 appointing a manager to carry out any of the duties of an accountable person under the Building Safety (Wales) Act 2026 or regulations made under it;

(b) a special measures order under section 109 of the Building Safety (Wales) Act 2026;

"management order proceedings" means any proceedings relating to the making, variation or discharge of, or the giving of directions in relation to, a management order (including any appeals in relation to such proceedings);

"relevant person" means—

(a) if the landlord under the lease is an accountable person for the regulated building under the Building Safety (Wales) Act 2026, the landlord or any manager appointed by a management order relating to the building;

(b) otherwise, any superior landlord who is an accountable person for the building or any manager appointed by a management order relating to the building.

(5) The Welsh Ministers may by regulations amend subsection (3) to add, remove or modify a description of costs incurred or to be incurred by or on behalf of a relevant person in connection with the Building Safety (Wales) Act 2026 or regulations made under it.

(6) The regulations may make—

(a) supplementary, incidental, transitional or saving provision (including provision amending this Act);

(b) different provision for different purposes.

(7) Regulations under this section are to be made by Welsh statutory instrument and are subject to the Senedd approval procedure."

74 Darparu gwybodaeth am ddiogelwch adeiladau i denantiaid

(1) Mae Deddf Landlord a Thenant 1987 (p. 31) wedi ei diwygio fel a ganlyn.

(2) Ar ôl adran 47A mewnosoder—

"47B Building safety information to be contained in demands for rent etc: Wales

(1) Where premises to which this Part applies are premises in Wales which consist of or include a dwelling in a regulated building, any written demand given to a tenant of the premises must contain the relevant building safety information.

"enforcing authority" has the meaning given by section 94 of the Building Safety (Wales) Act 2026;

"management order" means—

(a) an order under section 24 of the Landlord and Tenant Act 1987 appointing a manager to carry out any of the duties of an accountable person under the Building Safety (Wales) Act 2026 or regulations made under it;

(b) a special measures order under section 109 of the Building Safety (Wales) Act 2026;

"management order proceedings" means any proceedings relating to the making, variation or discharge of, or the giving of directions in relation to, a management order (including any appeals in relation to such proceedings);

"relevant person" means—

(a) if the landlord under the lease is an accountable person for the regulated building under the Building Safety (Wales) Act 2026, the landlord or any manager appointed by a management order relating to the building;

(b) otherwise, any superior landlord who is an accountable person for the building or any manager appointed by a management order relating to the building.

(5) The Welsh Ministers may by regulations amend subsection (3) to add, remove or modify a description of costs incurred or to be incurred by or on behalf of a relevant person in connection with the Building Safety (Wales) Act 2026 or regulations made under it.

(6) The regulations may make—

(a) supplementary, incidental, transitional or saving provision (including provision amending this Act);

(b) different provision for different purposes.

(7) Regulations under this section are to be made by Welsh statutory instrument and are subject to the Senedd approval procedure."

74 Provision of building safety information to tenants

(1) The Landlord and Tenant Act 1987 (c. 31) is amended as follows.

(2) After section 47A insert—

"47B Building safety information to be contained in demands for rent etc: Wales

(1) Where premises to which this Part applies are premises in Wales which consist of or include a dwelling in a regulated building, any written demand given to a tenant of the premises must contain the relevant building safety information.

(2) Where—

(a) a tenant of such premises is given such a demand, but

(b) the demand does not contain the relevant building safety information,

any part of the amount demanded which consists of a service charge or an administration charge ("the relevant amount") is to be treated for all purposes as not being due from the tenant to the landlord at any time before the landlord gives the relevant building safety information to the tenant.

(3) But the relevant amount is not to be so treated in relation to any time when—

(a) by virtue of an order of any court or tribunal there is in force an appointment of a receiver or manager whose functions include the receiving of service charges or administration charges from the tenant,

(b) an order under section 24 is in force in relation to the premises which appoints a manager to carry out any of the duties of an accountable person under the Building Safety (Wales) Act 2026 or regulations made under it, or

(c) in the case of premises which consist of or include a dwelling in a category 1 building, a special measures order is in force in relation to the building.

(4) Subsections (2) and (3) do not apply in relation to a written demand for payment of a service charge if section 21C of the Landlord and Tenant Act 1985 requires the demand to include information which subsection (1) also requires the demand to include.

(5) In this section—

"accountable person" has the meaning given by section 8 of the Building Safety (Wales) Act 2026;

"category 1 building" has the meaning given by sections 6 and 7 of that Act;

"demand" has the meaning given by section 47(4);

"regulated building" has the meaning given by sections 2 and 7 of the Building Safety (Wales) Act 2026;

"relevant building safety information" has the meaning given by section 49B;

"special measures order" means an order under section 109 of the Building Safety (Wales) Act 2026."

(2) Where—

(a) a tenant of such premises is given such a demand, but

(b) the demand does not contain the relevant building safety information,

any part of the amount demanded which consists of a service charge or an administration charge ("the relevant amount") is to be treated for all purposes as not being due from the tenant to the landlord at any time before the landlord gives the relevant building safety information to the tenant.

(3) But the relevant amount is not to be so treated in relation to any time when—

(a) by virtue of an order of any court or tribunal there is in force an appointment of a receiver or manager whose functions include the receiving of service charges or administration charges from the tenant,

(b) an order under section 24 is in force in relation to the premises which appoints a manager to carry out any of the duties of an accountable person under the Building Safety (Wales) Act 2026 or regulations made under it, or

(c) in the case of premises which consist of or include a dwelling in a category 1 building, a special measures order is in force in relation to the building.

(4) Subsections (2) and (3) do not apply in relation to a written demand for payment of a service charge if section 21C of the Landlord and Tenant Act 1985 requires the demand to include information which subsection (1) also requires the demand to include.

(5) In this section—

"accountable person" has the meaning given by section 8 of the Building Safety (Wales) Act 2026;

"category 1 building" has the meaning given by sections 6 and 7 of that Act;

"demand" has the meaning given by section 47(4);

"regulated building" has the meaning given by sections 2 and 7 of the Building Safety (Wales) Act 2026;

"relevant building safety information" has the meaning given by section 49B;

"special measures order" means an order under section 109 of the Building Safety (Wales) Act 2026."

(3) Ar ôl adran 49A mewnosoder—

"49B Notification by landlord of building safety information: Wales

(1) Where premises to which this Part applies are premises in Wales which consist of or include a dwelling in a regulated building, the landlord must give the tenant a notice containing the relevant building safety information.

(2) Where a landlord fails to give a notice to a tenant in accordance with subsection (1), any rent, service charge or administration charge otherwise due from the tenant to the landlord is to be treated for all purposes as not being due from the tenant to the landlord at any time before the landlord gives the notice to the tenant.

(3) But any such rent, service charge or administration charge is not to be so treated in relation to any time when—

(a) by virtue of an order of any court or tribunal there is in force an appointment of a receiver or manager whose functions include the receiving of rent, service charges or administration charges from the tenant, or

(b) an order under section 24 is in force in relation to the premises which appoints a manager to carry out any of the duties of an accountable person under the Building Safety (Wales) Act 2026 or regulations made under it, or

(c) in the case of premises which consist of or include a dwelling in a category 1 building, a special measures order is in force in relation to the building.

(4) The requirement to give a notice to a tenant under subsection (1) may be satisfied by giving the notice to them at a time when they are a prospective tenant.

(5) In this section "relevant building safety information" means—

(a) the name of each person listed in subsection (6);

(b) an email address and telephone number through which each person listed in subsection (6) may be contacted;

(c) a postal address in the United Kingdom at which notices (including notices in proceedings) may be served by the tenant on the principal accountable person for the regulated building;

(d) a postal address for the building safety authority for the building;

(e) such other information as may be prescribed in regulations made by the Welsh Ministers.

(6) The persons are—

(a) the principal accountable person for the regulated building;

(3) After section 49A insert—

"49B Notification by landlord of building safety information: Wales

(1) Where premises to which this Part applies are premises in Wales which consist of or include a dwelling in a regulated building, the landlord must give the tenant a notice containing the relevant building safety information.

(2) Where a landlord fails to give a notice to a tenant in accordance with subsection (1), any rent, service charge or administration charge otherwise due from the tenant to the landlord is to be treated for all purposes as not being due from the tenant to the landlord at any time before the landlord gives the notice to the tenant.

(3) But any such rent, service charge or administration charge is not to be so treated in relation to any time when—

(a) by virtue of an order of any court or tribunal there is in force an appointment of a receiver or manager whose functions include the receiving of rent, service charges or administration charges from the tenant, or

(b) an order under section 24 is in force in relation to the premises which appoints a manager to carry out any of the duties of an accountable person under the Building Safety (Wales) Act 2026 or regulations made under it, or

(c) in the case of premises which consist of or include a dwelling in a category 1 building, a special measures order is in force in relation to the building.

(4) The requirement to give a notice to a tenant under subsection (1) may be satisfied by giving the notice to them at a time when they are a prospective tenant.

(5) In this section "relevant building safety information" means—

(a) the name of each person listed in subsection (6);

(b) an email address and telephone number through which each person listed in subsection (6) may be contacted;

(c) a postal address in the United Kingdom at which notices (including notices in proceedings) may be served by the tenant on the principal accountable person for the regulated building;

(d) a postal address for the building safety authority for the building;

(e) such other information as may be prescribed in regulations made by the Welsh Ministers.

(6) The persons are—

(a) the principal accountable person for the regulated building;

(b) any manager appointed by an order mentioned in subsection (3)(b) or (c);

(c) the building safety authority for the regulated building.

(7) In this section—

"accountable person" has the meaning given by section 8 of the Building Safety (Wales) Act 2026;

"building safety authority" has the meaning given by section 122 of that Act;

"category 1 building" has the meaning given by sections 6 and 7 of that Act;

"principal accountable person" has the meaning given by section 9 of that Act;

"regulated building" has the meaning given by sections 2 and 7 of that Act;

"special measures order" means an order under section 109 of that Act.

(8) Regulations under subsection (5)(e) are to be made by Welsh statutory instrument and are subject to the Senedd annulment procedure."

Contractau meddiannaeth

75 Pŵer i wneud darpariaeth sy'n ymwneud â thelerau contractau meddiannaeth

(1) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio Deddf Rhentu Cartrefi (Cymru) 2016 (dccc 1) i—

(a) cynnwys darpariaeth sylfaenol sy'n gymwys i bob contract meddiannaeth, neu i fathau neu ddisgrifiadau penodol o gontract meddiannaeth, at y diben o alluogi landlord neu ddeiliad contract i gydymffurfio â darpariaeth yn y Ddeddf hon neu reoliadau a wneir oddi tani;

(b) darparu bod darpariaeth o'r Ddeddf hon neu reoliadau a wneir oddi tani yn ddarpariaeth sylfaenol sy'n gymwys i bob contract meddiannaeth, neu i fathau neu ddisgrifiadau penodol o gontract meddiannaeth;

(c) gwneud darpariaeth ynghylch—

(i) ymgorffori, neu ymgorffori gydag addasiadau, ddarpariaeth sylfaenol a grybwyllir ym mharagraff (a) neu (b) fel teler sylfaenol contract meddiannaeth;

(ii) amrywio teler sylfaenol o'r fath.

(2) Caiff y rheoliadau hefyd—

(a) diwygio adran 30IA o Ddeddf Landlord a Thenant 1985 (p. 70) (a fewnosodir gan adran 70 o'r Ddeddf hon) i ddarparu nad yw'n gymwys i unrhyw gontract meddiannaeth, neu i fathau neu ddisgrifiadau penodol o gontract meddiannaeth;

(b) gwneud diwygiadau canlyniadol i unrhyw ddeddfiad (gan gynnwys y Ddeddf hon).

(b) any manager appointed by an order mentioned in subsection (3)(b) or (c);

(c) the building safety authority for the regulated building.

(7) In this section—

"accountable person" has the meaning given by section 8 of the Building Safety (Wales) Act 2026;

"building safety authority" has the meaning given by section 122 of that Act;

"category 1 building" has the meaning given by sections 6 and 7 of that Act;

"principal accountable person" has the meaning given by section 9 of that Act;

"regulated building" has the meaning given by sections 2 and 7 of that Act;

"special measures order" means an order under section 109 of that Act.

(8) Regulations under subsection (5)(e) are to be made by Welsh statutory instrument and are subject to the Senedd annulment procedure."

Occupation contracts

75 Power to make provision relating to terms of occupation contracts

(1) The Welsh Ministers may by regulations amend the Renting Homes (Wales) Act 2016 (anaw 1) to—

(a) include a fundamental provision applicable to all occupation contracts, or to particular kinds or descriptions of occupation contract, for the purpose of enabling a landlord or contract-holder to comply with a provision of this Act or regulations made under it;

(b) provide that a provision of this Act or regulations made under it is a fundamental provision applicable to all occupation contracts, or to particular kinds or descriptions of occupation contract;

(c) make provision about—

(i) the incorporation, or incorporation with modifications, of a fundamental provision mentioned in paragraph (a) or (b) as a fundamental term of an occupation contract;

(ii) the variation of such a fundamental term.

(2) The regulations may also—

(a) amend section 30IA of the Landlord and Tenant Act 1985 (c. 70) (inserted by section 70 of this Act) to provide that it does not apply to any occupation contract, or to particular kinds or descriptions of occupation contract;

(b) make consequential amendments to any enactment (including this Act).

(3) Mae i ymadroddion a ddefnyddir yn yr adran hon a ddefnyddir hefyd yn Neddf Rhentu Cartrefi (Cymru) 2016 yr un ystyron yn yr adran hon ag sydd iddynt yn y Ddeddf honno.

Cyfunddaliadau

76 Cyfunddaliadau: darpariaeth ar gyfer cydymffurfio â dyletswyddau diogelwch adeiladau

(1) Mae Deddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 (p. 15) wedi ei diwygio fel a ganlyn.

(2) Yn adran 14 (unedau cyfunddaliad: defnydd, cynnal a chadw a diogelwch adeiladau), ar ôl is-adran (4) mewnosoder—

"(5) A commonhold community statement for a commonhold in Wales that includes all or any part of a regulated building must make provision requiring the commonhold association to comply with its duties under the Building Safety (Wales) Act 2026, or regulations made under it, in relation to each commonhold unit."

(3) Yn adran 26 (rhannau cyffredin: defnydd, cynnal a chadw a diogelwch adeiladau), ar ôl is-adran (2) mewnosoder—

"(3) A commonhold community statement for a commonhold in Wales that includes all or any part of a regulated building must make provision requiring the commonhold association to comply with its duties under the Building Safety (Wales) Act 2026, or regulations made under it, in relation to the common parts."

(4) Yn adran 38A (codi incwm o ddeiliaid unedau: asesiad diogelwch adeiladau)—

(a) yn is-adran (1), ar ôl "higher-risk commonhold" mewnosoder ", or for a commonhold in Wales that includes all or any part of a regulated building,";

(b) yn is-adran (3), ar ôl "In this section" mewnosoder "as it applies in relation to a higher-risk commonhold";

(c) ar ôl yr is-adran honno mewnosoder—

"(4) In this section as it applies in relation to a commonhold in Wales that includes all or any part of a regulated building—

"building safety expenses of the association" means—

(a) the expenses incurred by the commonhold association in connection with taking measures that the association is required or permitted to take under the Building Safety (Wales) Act 2026 or regulations made under it;

(b) where the commonhold includes all or any part of a category 1 building for which a special measures manager has been appointed, the expenses incurred by the association or the manager in connection with the taking of measures that the manager is required or permitted to take under the Building Safety (Wales) Act 2026 or regulations made under it;

(3) Expressions used in this section that are also used in the Renting Homes (Wales) Act 2016 have the same meanings in this section as they have in that Act.

Commonholds

76 Commonholds: provision for compliance with building safety duties

(1) The Commonhold and Leasehold Reform Act 2002 (c. 15) is amended as follows.

(2) In section 14 (commonhold units: use, maintenance and building safety), after subsection (4) insert—

"(5) A commonhold community statement for a commonhold in Wales that includes all or any part of a regulated building must make provision requiring the commonhold association to comply with its duties under the Building Safety (Wales) Act 2026, or regulations made under it, in relation to each commonhold unit."

(3) In section 26 (common parts: use, maintenance and building safety), after subsection (2) insert—

"(3) A commonhold community statement for a commonhold in Wales that includes all or any part of a regulated building must make provision requiring the commonhold association to comply with its duties under the Building Safety (Wales) Act 2026, or regulations made under it, in relation to the common parts."

(4) In section 38A (raising income from unit-holders: building safety assessment)—

(a) in subsection (1), after "higher-risk commonhold" insert ", or for a commonhold in Wales that includes all or any part of a regulated building,";

(b) in subsection (3), after "In this section" insert "as it applies in relation to a higher-risk commonhold";

(c) after that subsection insert—

"(4) In this section as it applies in relation to a commonhold in Wales that includes all or any part of a regulated building—

"building safety expenses of the association" means—

(a) the expenses incurred by the commonhold association in connection with taking measures that the association is required or permitted to take under the Building Safety (Wales) Act 2026 or regulations made under it;

(b) where the commonhold includes all or any part of a category 1 building for which a special measures manager has been appointed, the expenses incurred by the association or the manager in connection with the taking of measures that the manager is required or permitted to take under the Building Safety (Wales) Act 2026 or regulations made under it;

"category 1 building" has the meaning given by sections 6 and 7 of the Building Safety (Wales) Act 2026;

"special measures manager" means a person appointed under section 109 of that Act.

(5) Yn adran 69(1) (dehongli)—

(a) hepgorer yr "and" ar ôl y diffiniad o "instrument";

(b) ar ôl y diffiniad o "object" mewnosoder—

"and

"regulated building" has the meaning given by sections 2 and 7 of the Building Safety (Wales) Act 2026."

Rheoliadau o dan adrannau 17, 28(2) a 75

77 Rheoliadau o dan adrannau 17, 28(2) a 75: gweithdrefn gychwynnol

(1) Ni chaiff Gweinidogion Cymru osod drafft o offeryn statudol Cymreig sy'n cynnwys rheoliadau o dan adran 17, 28(2) neu 75 gerbron Senedd Cymru yn unol ag adran 135(4) oni bai—

(a) eu bod wedi gosod y dogfennau gofynnol gerbron Senedd Cymru, a

(b) bod cyfnod o 60 o ddiwrnodau sy'n dechrau â'r diwrnod y gosodwyd y dogfennau gofynnol ("y cyfnod o 60 o ddiwrnodau") wedi dod i ben.

(2) Y "dogfennau gofynnol" yw—

(a) drafft arfaethedig o'r rheoliadau, a

(b) datganiad—

(i) sy'n rhoi manylion yr ymgynghoriad a gynhaliwyd o dan adran 17(2) neu 28(7) (fel y bo'n gymwys), a

(ii) sy'n egluro pam y mae Gweinidogion Cymru yn ystyried bod y rheoliadau'n angenrheidiol.

(3) Wrth gyfrifo'r cyfnod o 60 o ddiwrnodau, rhaid diystyru unrhyw adeg pan fo Senedd Cymru wedi ei diddymu neu'n cymryd toriad am fwy na phedwar diwrnod.

(4) Os yw Gweinidogion Cymru, ar ôl cydymffurfio ag is-adran (1), yn gosod offeryn statudol Cymreig drafft sy'n cynnwys rheoliadau o dan adran 17, 28(2) neu 75 gerbron Senedd Cymru yn unol ag adran 135(4), rhaid iddynt gynnwys gyda'r drafft ddatganiad sy'n rhoi manylion y canlynol—

(a) unrhyw sylwadau a gafwyd ganddynt yn ystod y cyfnod o 60 o ddiwrnodau, a

(b) unrhyw wahaniaethau rhwng y drafft arfaethedig o'r rheoliadau a'r rheoliadau yn yr offeryn statudol Cymreig drafft.

(5) Nid yw'r adran hon yn gymwys i reoliadau a wneir yn unig at y diben o ddiwygio darpariaeth a wneir gan reoliadau o dan adran 28(2) sy'n ymwneud â'r materion a nodir yn adran 28(4) neu (5).

"category 1 building" has the meaning given by sections 6 and 7 of the Building Safety (Wales) Act 2026;

"special measures manager" means a person appointed under section 109 of that Act.

(5) In section 69(1) (interpretation)—

(a) omit the "and" after the definition of "instrument";

(b) after the definition of "object" insert—

"and

"regulated building" has the meaning given by sections 2 and 7 of the Building Safety (Wales) Act 2026."

Regulations under sections 17, 28(2) and 75

77 Regulations under sections 17, 28(2) and 75: initial procedure

(1) The Welsh Ministers may not lay a draft of a Welsh statutory instrument containing regulations under section 17, 28(2) or 75 before Senedd Cymru in accordance with section 135(4) unless—

(a) they have laid the required documents before Senedd Cymru, and

(b) a period of 60 days beginning with the day on which the required documents were laid ("the 60-day period") has expired.

(2) The "required documents" are—

(a) a proposed draft of the regulations, and

(b) a statement that—

(i) gives details of the consultation carried out under section 17(2) or 28(7) (as applicable), and

(ii) explains why the Welsh Ministers consider that the regulations are necessary.

(3) In calculating the 60-day period, no account is to be taken of any time during which Senedd Cymru is dissolved or is in recess for more than four days.

(4) If the Welsh Ministers, having complied with subsection (1), lay a draft Welsh statutory instrument containing regulations under section 17, 28(2) or 75 before Senedd Cymru in accordance with section 135(4), they must include with the draft a statement that gives details of—

(a) any representations they received during the 60-day period, and

(b) any differences between the proposed draft of the regulations and the regulations in the draft Welsh statutory instrument.

(5) This section does not apply to regulations made only for the purpose of amending provision made by regulations under section 28(2) which relates to the matters set out in section 28(4) or (5).

RHAN 2

DIOGELWCH TÂN MEWN TAI AMLFEDDIANNAETH PENODOL

Termau allweddol

78 Ystyr "tŷ amlfeddiannaeth perthnasol"

(1) Mae'r adran hon yn nodi ystyr cyfeiriadau yn y Ddeddf hon at "tŷ amlfeddiannaeth perthnasol".

(2) Mae adeilad, neu ran o adeilad, yn dŷ amlfeddiannaeth perthnasol os—

(a) yw'n dŷ amlfeddiannaeth,

(b) yw'n gyfan gwbl neu'n bennaf yng Nghymru, ac

(c) nad yw'n cael ei eithrio rhag bod yn dŷ amlfeddiannaeth perthnasol gan is-adran (3).

(3) Nid yw tŷ amlfeddiannaeth yn dŷ amlfeddiannaeth perthnasol os—

(a) yw'n cynnwys dwy uned breswyl neu ragor;

(b) yw ond wedi ei feddiannu gan bersonau sydd o fewn yr is-baragraffau a ganlyn—

(i) un neu ragor o bersonau a chanddynt fuddiant perthnasol ynddo;

(ii) unrhyw un neu ragor o aelodau o aelwyd person neu bersonau o'r fath;

(iii) dim mwy na dau berson arall;

(c) yw'r person sy'n ei reoli neu'r person â rheolaeth ohono yn gomisiynydd heddlu a throseddu;

(d) yw o ddisgrifiad a bennir mewn rheoliadau a wneir gan Weinidogion Cymru (pa un ai drwy gyfeirio at y ffaith y caiff ei feddiannaeth ei rheoleiddio gan ddeddfiad penodedig neu o dan ddeddfiad penodedig, neu unrhyw fater arall).

(4) At ddibenion is-adran (3)(b), mae gan y personau a ganlyn fuddiant perthnasol mewn tŷ amlfeddiannaeth—

(a) perchennog yr ystad rydd-ddaliadol yn y cyfan ohono;

(b) tenant o dan les am y cyfan ohono (pa un a yw'r les yn gontract meddiannaeth ai peidio);

(c) deiliad contract o dan gontract meddiannaeth sy'n drwydded i feddiannu'r cyfan ohono.

(5) Mae cyfeiriadau at dŷ amlfeddiannaeth perthnasol yng ngweddill darpariaethau y Ddeddf hon—

(a) yn cynnwys unrhyw dŷ allan, garej, maes parcio, iard, gardd neu ardal arall a ddarperir at ddefnydd, er budd neu er mwynhad meddianwyr y tŷ amlfeddiannaeth perthnasol (pa un ai y caiff ei ddefnyddio neu ei defnyddio gan bersonau eraill, y caiff personau eraill fudd ohono neu ohoni neu y caiff personau eraill fwynhad ohono neu ohoni ai peidio), a

(b) yn achos tŷ amlfeddiannaeth perthnasol sy'n rhan o adeilad, yn cynnwys—

(i) unrhyw ran o strwythur a thu allan y rhan honno o'r adeilad;

PART 2

FIRE SAFETY IN CERTAIN HOUSES IN MULTIPLE OCCUPATION

Key terms

78 Meaning of "relevant HMO"

(1) This section sets out the meaning of references in this Act to a "relevant HMO".

(2) A building, or part of a building, is a relevant HMO if—

(a) it is a house in multiple occupation,

(b) it is wholly or mainly in Wales, and

(c) it is not excluded from being a relevant HMO by subsection (3).

(3) A house in multiple occupation is not a relevant HMO if—

(a) it contains two or more residential units;

(b) it is occupied only by persons within the following sub-paragraphs—

(i) one or more persons who have a relevant interest in it;

(ii) any members of the household of such a person or persons;

(iii) no more than two other persons;

(c) the person managing it or person having control of it is a police and crime commissioner;

(d) it is of a description specified in regulations made by the Welsh Ministers (whether by reference to the fact that its occupation is regulated by or under a specified enactment or any other matter).

(4) For the purposes of subsection (3)(b), the following persons have a relevant interest in a house in multiple occupation—

(a) an owner of the freehold estate in the whole of it;

(b) a tenant under a lease of the whole of it (whether or not the lease is an occupation contract);

(c) a contract-holder under an occupation contract that is a licence to occupy the whole of it.

(5) References to a relevant HMO in the remaining provisions of this Act—

(a) include any outbuilding, garage, car park, yard, garden or other area provided for the use, benefit or enjoyment of occupiers of the relevant HMO (whether or not it may be used, benefited from or enjoyed by other persons), and

(b) in the case of a relevant HMO that is a part of a building, include—

(i) any part of the structure and exterior of that part of the building;

(ii) unrhyw ran o'r adeilad a ddarperir at ddefnydd, er budd neu er mwynhad meddianwyr y tŷ amlfeddiannaeth perthnasol (pa un ai y caiff ei defnyddio gan bersonau eraill, y caiff personau eraill fudd ohoni neu y caiff personau eraill fwynhad ohoni ai peidio).

(6) Ond nid yw cyfeiriadau at dŷ amlfeddiannaeth perthnasol, yn achos tŷ amlfeddiannaeth perthnasol sy'n rhan o adeilad rheoleiddiedig a feddiennir, yn cynnwys unrhyw beth a ddarperir at ddefnydd, er budd neu er mwynhad meddianwyr y tŷ amlfeddiannaeth perthnasol a phreswylwyr unrhyw uned breswyl arall yn yr adeilad.

(7) Yn yr adran hon—

mae i "contract meddiannaeth" ("*occupation contract*") a "deiliad contract" ("*contract holder*") yr ystyron a roddir gan adran 7 o Ddeddf Rhentu Cartrefi (Cymru) 2016 (dccc 1) (gweler hefyd adran 48 o'r Ddeddf honno);

mae "strwythur a thu allan" ("*structure and exterior*"), mewn perthynas ag adeilad, yn cynnwys—

(a) waliau allanol a mewnol (pa un ai a ydynt yn cynnal pwysau ai peidio);

(b) lloriau a nenfydau;

(c) ffenestri, drysau a balconïau;

mae i "tŷ amlfeddiannaeth" yr ystyr a roddir i "house in multiple occupation" yn adrannau 254 i 259 o Ddeddf Tai 2004 (p. 34), fel y mae'r adrannau hynny'n cael effaith at ddibenion Rhan 1 o'r Ddeddf honno (hynny yw, heb y gwaharddiadau a gynhwysir yn Atodlen 14 i'r Ddeddf honno), ond nid yw'n cynnwys bloc fflatiau a droswyd y mae adran 257 o'r Ddeddf honno yn gymwys iddo.

(8) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio'r adran hon (ac eithrio is-adran (1) a'r is-adran hon).

79 Ystyr "landlord" a "deiliaid dyletswydd" ar gyfer tŷ amlfeddiannaeth perthnasol

(1) Mae'r adran hon yn nodi ystyron cyfeiriadau yn y Ddeddf hon at y "landlord" a "deiliaid dyletswydd" mewn perthynas â thŷ amlfeddiannaeth perthnasol.

(2) Landlord tŷ amlfeddiannaeth perthnasol yw'r person sy'n berson sy'n rheoli'r tŷ amlfeddiannaeth perthnasol yn rhinwedd bod yn berchennog neu'n lesddeiliad.

(3) Ond—

(a) os yw'r lesydd a'r lesddeiliad o dan les y tŷ amlfeddiannaeth perthnasol ill dau yn bodloni'r diffiniad yn is-adran (2), landlord y tŷ amlfeddiannaeth perthnasol yw'r lesddeiliad (nid y lesydd);

(b) os nad oes unrhyw berson yn bodloni'r diffiniad hwnnw, y landlord yw'r person â rheolaeth dros y tŷ amlfeddiannaeth perthnasol.

(4) Mae'r personau a ganlyn yn ddeiliaid dyletswydd ar gyfer tŷ amlfeddiannaeth perthnasol—

(a) y landlord;

(b) unrhyw berson arall sy'n berson sy'n rheoli'r tŷ amlfeddiannaeth perthnasol, p'un ai yn rhinwedd bod yn berchennog neu'n lesddeiliad, neu'n asiant neu'n ymddiriedolwr iddynt.

(ii) any part of the building provided for the use, benefit or enjoyment of occupiers of the relevant HMO (whether or not it may be used, benefited from or enjoyed by other persons).

(6) But references to a relevant HMO do not, in the case of a relevant HMO that is a part of an occupied regulated building, include anything that is provided for the use, benefit or enjoyment of occupiers of the relevant HMO and residents of any other residential unit in the building.

(7) In this section—

"house in multiple occupation" ("*tŷ amlfeddiannaeth*") has the meaning given by sections 254 to 259 of the Housing Act 2004 (c. 34), as those sections have effect for the purposes of Part 1 of that Act (that is, without the exclusions contained in Schedule 14 to that Act), but does not include a converted block of flats to which section 257 of that Act applies;

"occupation contract" ("*contract meddiannaeth*") and "contract-holder" ("*deiliad contract*") have the meanings given by section 7 of the Renting Homes (Wales) Act 2016 (anaw 1) (see also section 48 of that Act);

"structure and exterior" ("*strwythur a thu allan*"), in relation to a building, includes—

(a) external and internal walls (whether load bearing or not);

(b) floors and ceilings;

(c) windows, doors and balconies.

(8) The Welsh Ministers may by regulations amend this section (except subsection (1) and this subsection).

79 Meaning of "landlord" and "duty holders" for relevant HMO

(1) This section sets out the meanings of references in this Act to the "landlord" and "duty holders" in relation to a relevant HMO.

(2) The landlord of a relevant HMO is the person who is a person managing the relevant HMO by virtue of being an owner or lessee.

(3) But—

(a) if the lessor and lessee under a lease of the relevant HMO both meet the definition in subsection (2), the landlord of the relevant HMO is the lessee (not the lessor);

(b) if there is no person who meets that definition, the landlord is the person having control of the relevant HMO.

(4) The following persons are duty holders for a relevant HMO—

(a) the landlord;

(b) any other person who is a person managing the relevant HMO, whether by virtue of being an owner or lessee or their agent or trustee.

(5) Os oes gan unrhyw berson arall rwymedigaeth o dan gontract neu les sy'n ymwneud ag atgyweirio, cynnal a chadw neu ddiogelwch rhannau perthnasol o'r tŷ amlfeddiannaeth perthnasol, mae'r person hwnnw yn ddeiliad dyletswydd ar gyfer y tŷ amlfeddiannaeth perthnasol mewn perthynas â materion o fewn cwmpas y rhwymedigaeth.

(6) Os oes gan unrhyw berson arall unrhyw radd o reolaeth dros rannau perthnasol y tŷ amlfeddiannaeth perthnasol, mae'r person hwnnw yn ddeiliad dyletswydd ar gyfer y tŷ amlfeddiannaeth perthnasol mewn perthynas â materion o fewn rheolaeth y person.

(7) Y "rhannau perthnasol" o dŷ amlfeddiannaeth perthnasol yw unrhyw rannau ohono nad ydynt yn cael eu darparu at ddefnydd unigryw, er budd unigryw neu er mwynhad unigryw bersonau sy'n ffurfio aelwyd unigol.

80 Ystyr "risg diogelwch tân" mewn perthynas â thŷ amlfeddiannaeth perthnasol

Yn y Ddeddf hon ystyr "risg diogelwch tân", mewn perthynas â thŷ amlfeddiannaeth perthnasol, yw risg i ddiogelwch pobl yn y tŷ amlfeddiannaeth perthnasol neu o'i amgylch sy'n deillio o—

(a) achos o dân (pa un ai'n ddamweiniol neu'n fwriadol) mewn unrhyw ran o'r tŷ amlfeddiannaeth perthnasol, neu

(b) lledaeniad tân o fewn unrhyw ran o'r tŷ amlfeddiannaeth perthnasol, i unrhyw ran ohono neu o unrhyw ran ohono.

Asesu a rheoli risgiau diogelwch tân mewn tai amlfeddiannaeth perthnasol

81 Asesiad o risgiau diogelwch tân: dyletswyddau landlord

(1) Rhaid i landlord tŷ amlfeddiannaeth perthnasol sicrhau bod y risgiau diogelwch tân sy'n ymwneud â'r tŷ amlfeddiannaeth perthnasol yn cael eu hasesu yn unol â'r adran hon, adran 82 i 84 ac unrhyw reoliadau a wneir o dan yr adrannau hynny.

(2) Cyfeirir at asesiad o dan is-adran (1) yn y Ddeddf hon fel "asesiad risg tân ar dŷ amlfeddiannaeth".

(3) Rhaid i asesiad risg tân ar dŷ amlfeddiannaeth fod yn addas ac yn ddigonol i alluogi pob deiliad dyletswydd ar gyfer y tŷ amlfeddiannaeth perthnasol i gydymffurfio ag adran 85 (rheoli risgiau diogelwch tân mewn tai amlfeddiannaeth perthnasol).

82 Gofyniad i asesiad risg tân ar dŷ amlfeddiannaeth gael ei wneud gan berson cymwys

(1) Rhaid i berson cymwys wneud asesiad risg tân ar dŷ amlfeddiannaeth.

(2) Ystyr "person cymwys" yw unigolyn neu gorff sy'n meddu ar arbenigedd neu brofiad digonol i asesu'r risgiau diogelwch tân mewn perthynas â'r tŷ amlfeddiannaeth perthnasol.

(3) Caiff Gweinidogion Cymru, drwy reoliadau, bennu gofynion y mae rhaid i unigolyn neu gorff eu bodloni er mwyn ystyried eu bod yn meddu ar arbenigedd neu brofiad digonol at y diben hwnnw (gan gynnwys gofynion ar gyfer cymwysterau penodol neu ar gyfer achrediad gan sefydliad penodol, neu aelodaeth o sefydliad o'r fath).

(4) Cyn gwneud rheoliadau o dan is-adran (3), rhaid i Weinidogion Cymru ymgynghori ag—

(a) pob awdurdod diogelwch tân, a

(5) If any other person has an obligation under a contract or lease relating to the repair, maintenance or safety of the relevant parts of the relevant HMO, that person is a duty holder for the relevant HMO in relation to matters within the scope of the obligation.

(6) If any other person has any degree of control over the relevant parts of the relevant HMO, that person is a duty holder for the relevant HMO in relation to matters within the person's control.

(7) The "relevant parts" of a relevant HMO are any parts of it that are not provided for the exclusive use, benefit or enjoyment of persons forming a single household.

80 Meaning of "fire safety risk" in relation to relevant HMO

In this Act "fire safety risk", in relation to a relevant HMO, means a risk to the safety of people in or about the relevant HMO arising from—

(a) the outbreak of fire (whether accidental or deliberate) in any part of the relevant HMO, or

(b) the spread of fire in, to or from any part of the relevant HMO.

Assessment and management of fire safety risks in relevant HMOs

81 Assessment of fire safety risks: duties of landlord

(1) The landlord of a relevant HMO must ensure that the fire safety risks relating to the relevant HMO are assessed in accordance with this section, sections 82 to 84 and any regulations made under those sections.

(2) An assessment under subsection (1) is referred to in this Act as an "HMO fire risk assessment".

(3) An HMO fire risk assessment must be suitable and sufficient to enable each duty holder for the relevant HMO to comply with section 85 (management of fire safety risks in relevant HMOs).

82 Requirement for HMO fire risk assessment to be made by competent person

(1) An HMO fire risk assessment must be made by a competent person.

(2) A "competent person" means an individual or body having sufficient expertise or experience to assess the fire safety risks in relation to the relevant HMO.

(3) The Welsh Ministers may by regulations specify requirements that an individual or body must satisfy to be regarded as having sufficient expertise or experience for that purpose (including requirements for particular qualifications or for accreditation by, or membership of, a particular organisation).

(4) Before making regulations under subsection (3), the Welsh Ministers must consult—

(a) each fire safety authority, and

(b) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

(5) Os gwneir asesiad risg tân ar dŷ amlfeddiannaeth gan berson nad yw'n berson cymwys—

(a) mae'r person sy'n gwneud yr asesiad yn cyflawni trosedd, a

(b) mae landlord y tŷ amlfeddiannaeth perthnasol yn cyflawni trosedd os oedd y landlord yn gwybod, neu y dylai'n rhesymol fod wedi gwybod, nad oedd y person sy'n gwneud yr asesiad yn berson cymwys.

(6) Mae person sy'n euog o drosedd o dan is-adran (5) yn agored—

(a) ar euogfarn ddiannod, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na'r terfyn cymwys o dan adran 224(1A)(b) o'r Cod Dedfrydu, neu'r ddau;

(b) ar euogfarn ar dditiad, i ddirwy neu i'w garcharu am gyfnod nad yw'n yn hwy na 2 flynedd, neu'r ddau.

(7) Mae person yn cyflawni trosedd—

(a) os yw'r person yn cynnig gwneud asesiad risg tân ar dŷ amlfeddiannaeth ar gyfer tŷ amlfeddiannaeth perthnasol, a

(b) os nad yw'r person yn berson cymwys.

(8) Mae person sy'n euog o drosedd o dan is-adran (7) yn agored ar euogfarn ddiannod i ddirwy.

83 Amseru ac adolygu asesiadau risg tân ar dŷ amlfeddiannaeth

(1) Rhaid gwneud yr asesiad risg tân ar dŷ amlfeddiannaeth cyntaf ar gyfer tŷ amlfeddiannaeth perthnasol heb fod yn hwyrach na 6 mis ar ôl y diweddaraf o'r hyn a ganlyn—

(a) y diwrnod y caiff yr adeilad, neu ran o adeilad, o dan sylw ei feddiannu neu ei meddiannu fel tŷ amlfeddiannaeth perthnasol;

(b) y diwrnod y daw'r adran hon i rym.

(2) Rhaid gwneud asesiadau risg tân ar dŷ amlfeddiannaeth pellach cyn gynted â phosibl ar ôl i unrhyw un neu ragor o'r hyn a ganlyn ddigwydd—

(a) bod gwaith yn cael ei wneud mewn perthynas â'r tŷ amlfeddiannaeth perthnasol, neu bod newidiadau i feddiannaeth neu ddefnydd unrhyw ran o'r tŷ amlfeddiannaeth perthnasol, y mae caniatâd cynllunio neu gymeradwyaeth rheolaeth adeiladau yn ofynnol ar eu cyfer;

(b) bod gwaith yn cael ei wneud am y tro cyntaf mewn perthynas â'r tŷ amlfeddiannaeth perthnasol i addasu unrhyw ran ohono i ddiwallu anghenion preswylwyr anabl (ac eithrio gwaith a wneir heb yn wybod i'r landlord y tu mewn i ran o'r tŷ amlfeddiannaeth perthnasol a ddarperir at ddefnydd, er budd neu er mwynhad aelwyd unigol);

(c) bod tân yn achosi difrod i unrhyw un neu ragor o rannau perthnasol y tŷ amlfeddiannaeth perthnasol (o fewn yr ystyr a roddir gan adran 79(7));

(d) bod canfyddiadau adolygiad o dan is-adran (5) yn awgrymu nad yw'r asesiad risg tân ar dŷ amlfeddiannaeth cyfredol yn addas nac yn ddigonol mwyach at y diben a grybwyllir yn adran 81(3);

(b) such other persons as they consider appropriate.

(5) If an HMO fire risk assessment is made by a person who is not a competent person—

(a) the person who makes the assessment commits an offence, and

(b) the landlord of the relevant HMO commits an offence if the landlord knew, or ought reasonably to have known, that the person making the assessment was not a competent person.

(6) A person guilty of an offence under subsection (5) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(7) A person commits an offence if—

(a) the person offers to make an HMO fire risk assessment for a relevant HMO, and

(b) the person is not a competent person.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine.

83 Timing and review of HMO fire risk assessments

(1) The first HMO fire risk assessment for a relevant HMO must be made no later than 6 months after the later of the following—

(a) the day on which the building, or part of a building, in question becomes occupied as a relevant HMO;

(b) the day on which this section comes into force.

(2) Further HMO fire risk assessments must be made as soon as possible after any of the following occur—

(a) works are carried out in relation to the relevant HMO, or there are changes in the occupation or use of any part of the relevant HMO, that require planning permission or building control approval;

(b) works are carried out for the first time in relation to the relevant HMO to adapt any part of it to meet the needs of disabled residents (other than works carried out without the knowledge of the landlord inside a part of the relevant HMO that is provided for the use, benefit or enjoyment of a single household);

(c) a fire causes damage to any of the relevant parts of the relevant HMO (within the meaning given by section 79(7));

(d) the findings of a review under subsection (5) suggest that the current HMO fire risk assessment is no longer suitable and sufficient for the purpose mentioned in section 81(3);

(e) bod gan y landlord unrhyw reswm arall dros amau nad yw'r asesiad cyfredol yn addas nac yn ddigonol mwyach at y diben hwnnw.

(3) Ond os bydd unrhyw un neu ragor o'r amgylchiadau a grybwyllir yn is-adran (2) yn digwydd ar adeg pan nad yw'r adeilad, neu ran o adeilad, o dan sylw wedi ei feddiannu neu ei meddiannu fel tŷ amlfeddiannaeth perthnasol, rhaid gwneud asesiad risg tân pellach cyn gynted â phosibl ar ôl i'r adeilad neu'r rhan o'r adeilad gael ei feddiannu neu ei meddiannu eto fel tŷ amlfeddiannaeth perthnasol.

(4) Rhaid i'r landlord sicrhau, os caiff ei gyfarwyddo i wneud hynny gan yr awdurdod diogelwch tân ar gyfer y tŷ amlfeddiannaeth perthnasol, fod asesiad risg tân ar dŷ amlfeddiannaeth pellach yn cael ei wneud o fewn cyfnod a bennir yn y cyfarwyddyd.

(5) Rhaid i'r landlord sicrhau bod yr asesiad risg tân ar dŷ amlfeddiannaeth cyfredol yn cael ei adolygu o leiaf unwaith ym mhob 12 mis ar ôl i'r asesiad gael ei wneud.

84 Darpariaeth bellach am asesiadau risg tân ar dŷ amlfeddiannaeth

(1) Rhaid i landlord tŷ amlfeddiannaeth perthnasol sicrhau—

(a) y cofnodir yn ysgrifenedig ganfyddiadau pob asesiad risg tân ar dŷ amlfeddiannaeth ac adolygiad sy'n ymwneud â'r tŷ amlfeddiannaeth perthnasol, a

(b) pan fo mwy nag un deiliad dyletswydd ar gyfer y tŷ amlfeddiannaeth perthnasol, y rhoddir copïau i bob deiliad dyletswydd arall.

(2) Caiff Gweinidogion Cymru drwy reoliadau—

(a) gwneud darpariaeth ynghylch cyfrifo'r cyfnodau ar gyfer gwneud ac adolygu asesiadau risg tân ar dŷ amlfeddiannaeth pan fo bwlch ym meddiannaeth adeilad, neu ran o adeilad, fel tŷ amlfeddiannaeth perthnasol;

(b) pennu materion y mae rhaid eu hystyried fel rhan o asesiad risg tân ar dŷ amlfeddiannaeth neu adolygiad;

(c) gwneud darpariaeth ynghylch y fethodoleg y mae rhaid ei defnyddio wrth wneud neu adolygu asesiad;

(d) pennu gwybodaeth y mae rhaid ei chynnwys yng nghofnod ysgrifenedig asesiad neu adolygiad.

(3) Cyn gwneud rheoliadau o dan is-adran (2), rhaid i Weinidogion Cymru ymgynghori ag—

(a) pob awdurdod tai lleol yng Nghymru,

(b) pob awdurdod diogelwch tân, ac

(c) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

(4) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ar gyfer galluogi landlord tŷ amlfeddiannaeth perthnasol i adennill costau perthnasol oddi wrth unrhyw berson arall sy'n ddeiliad dyletswydd ar gyfer y tŷ amlfeddiannaeth perthnasol, ac mewn cysylltiad â hynny.

(5) Yn is-adran (4) ystyr "costau perthnasol" yw unrhyw gostau yr aed iddynt neu yr eir iddynt gan y landlord mewn cysylltiad ag asesiad risg tân ar dŷ amlfeddiannaeth neu adolygiad.

(e) the landlord has any other reason to suspect that the current assessment is no longer suitable and sufficient for that purpose.

(3) But if any of the circumstances mentioned in subsection (2) occur at a time when the building, or part of a building, in question is not occupied as a relevant HMO, a further fire risk assessment must be made as soon as possible after the building or part again becomes occupied as a relevant HMO.

(4) If directed to do so by the fire safety authority for the relevant HMO, the landlord must ensure that a further HMO fire risk assessment is made within a period specified in the direction.

(5) The landlord must ensure that the current HMO fire risk assessment is reviewed at least once in every 12 months after the assessment was made.

84 Further provision about HMO fire risk assessments

(1) The landlord of a relevant HMO must ensure that—

(a) the findings of every HMO fire risk assessment and review relating to the relevant HMO are recorded in writing, and

(b) where there is more than one duty holder for the relevant HMO, copies are given to every other duty holder.

(2) The Welsh Ministers may by regulations—

(a) make provision about the calculation of the periods for making and reviewing HMO fire risk assessments where there is a gap in the occupation of a building, or part of a building, as a relevant HMO;

(b) specify matters that must be considered as part of an HMO fire risk assessment or review;

(c) make provision about the methodology that must be used in making or reviewing an assessment;

(d) specify information that must be included in the written record of an assessment or review.

(3) Before making regulations under subsection (2), the Welsh Ministers must consult—

(a) each local housing authority in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

(4) The Welsh Ministers may by regulations make provision for and in connection with enabling the landlord of a relevant HMO to recover relevant costs from any other person who is a duty holder for the relevant HMO.

(5) In subsection (4) "relevant costs" means any costs incurred or to be incurred by the landlord in connection with an HMO fire risk assessment or review.

85 Rheoli risgiau diogelwch tân gan ddeiliaid dyletswydd

(1) Rhaid i bob deiliad dyletswydd ar gyfer tŷ amlfeddiannaeth perthnasol gymryd pob cam rhesymol i—

(a) atal risg diogelwch tân rhag cael ei gwireddu mewn perthynas â'r tŷ amlfeddiannaeth perthnasol, a

(b) lleihau difrifoldeb unrhyw ddigwyddiad sy'n deillio o wireddiad risg o'r fath.

(2) Rhaid i'r camau y mae deiliad dyletswydd yn eu cymryd, yn benodol, gynnwys pob cam rhesymol i—

(a) lleihau'r tebygolrwydd y bydd tân yn cychwyn (pa un ai'n ddamweiniol neu'n fwriadol) yn y tŷ amlfeddiannaeth perthnasol;

(b) lleihau'r tebygolrwydd y bydd unrhyw dân sy'n cychwyn yn y tŷ amlfeddiannaeth perthnasol neu'n agos ato yn lledaenu ynddo, iddo neu ohono;

(c) sicrhau bod pobl yn y tŷ amlfeddiannaeth perthnasol neu o'i amgylch y mae eu diogelwch mewn perygl oherwydd tân yn y tŷ amlfeddiannaeth perthnasol yn gallu dianc yn gyflym ac yn ddiogel;

(d) sicrhau y gellir ymladd unrhyw dân yn y tŷ amlfeddiannaeth perthnasol yn brydlon ac yn effeithiol.

(3) Caiff y camau y mae deiliad dyletswydd yn eu cymryd o dan yr adran hon gynnwys gwneud gwaith i'r tŷ amlfeddiannaeth perthnasol.

(4) Wrth benderfynu ar y camau sydd i'w cymryd o dan yr adran hon, rhaid i ddeiliad dyletswydd roi sylw penodol i'r asesiad risg tân ar dŷ amlfeddiannaeth cyfredol ar gyfer y tŷ amlfeddiannaeth perthnasol.

(5) Rhaid cymryd camau sy'n ofynnol gan yr adran hon yn brydlon.

(6) Rhaid i ddeiliad dyletswydd—

(a) gwneud trefniadau i sicrhau y caiff y camau a gymerir gan y deiliad dyletswydd o dan yr adran hon eu cynllunio, eu trefnu, eu rheoli, eu monitro a'u hadolygu'n effeithiol, a

(b) rhoi effaith i'r trefniadau hynny.

(7) Rhaid i ddeiliad dyletswydd sicrhau y caiff cofnod ysgrifenedig ei wneud o—

(a) trefniadau y mae'r deiliad dyletswydd yn eu gwneud o dan yr adran hon, a

(b) camau y mae'r deiliad dyletswydd yn eu cymryd o dan yr adran hon.

(8) Caiff Gweinidogion Cymru drwy reoliadau—

(a) gwneud darpariaeth ynghylch yr hyn sy'n gamau rhesymol at ddibenion yr adran hon;

(b) pennu materion y mae rhaid i ddeiliad dyletswydd roi sylw iddynt, neu egwyddorion y mae rhaid i ddeiliad dyletswydd weithredu yn unol â hwy, wrth benderfynu ar y camau i'w cymryd o dan yr adran hon neu wrth gymryd y camau;

(c) pennu gofynion y mae rhaid i drefniadau o dan yr adran hon gydymffurfio â hwy;

(d) pennu gwybodaeth y mae rhaid ei chynnwys mewn cofnod ysgrifenedig o'r trefniadau a wnaed, neu gamau a gymerir, o dan yr adran hon.

85 Management of fire safety risks by duty holders

(1) Each duty holder for a relevant HMO must take all reasonable steps to—

(a) prevent a fire safety risk materialising in relation to the relevant HMO, and

(b) reduce the severity of any incident resulting from such a risk materialising.

(2) The steps that a duty holder takes must, in particular, include all reasonable steps to—

(a) minimise the likelihood that fire will break out (whether accidentally or deliberately) in the relevant HMO;

(b) minimise the likelihood that any fire that breaks out in or near the relevant HMO will spread in, to or from it;

(c) ensure that people in or about the relevant HMO whose safety is at risk from fire in the relevant HMO can escape quickly and safely;

(d) ensure that any fire in the relevant HMO can be fought promptly and effectively.

(3) The steps that a duty holder takes under this section may include carrying out works to the relevant HMO.

(4) In determining the steps to be taken under this section, a duty holder must have particular regard to the current HMO fire risk assessment for the relevant HMO.

(5) Steps required by this section must be taken promptly.

(6) A duty holder must—

(a) make arrangements to ensure the effective planning, organisation, control, monitoring and review of steps taken by the duty holder under this section, and

(b) give effect to those arrangements.

(7) A duty holder must ensure that a written record is made of—

(a) arrangements that the duty holder makes under this section, and

(b) steps that the duty holder takes under this section.

(8) The Welsh Ministers may by regulations—

(a) make provision about what are reasonable steps for the purposes of this section;

(b) specify matters to which a duty holder must have regard, or principles in accordance with which a duty holder must act, when determining the steps to take under this section or taking the steps;

(c) specify requirements with which arrangements under this section must comply;

(d) specify information that must be included in a written record of arrangements made, or steps taken, under this section.

(9) Cyn gwneud rheoliadau o dan is-adran (8), rhaid i Weinidogion Cymru ymgynghori ag—

(a) pob awdurdod tai lleol yng Nghymru,

(b) pob awdurdod diogelwch tân, ac

(c) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

Darparu gwybodaeth a dogfennau sy'n ymwneud â thai amlfeddiannaeth perthnasol

86 Gofyniad i roi gwybodaeth a dogfennau i ddeiliad dyletswydd

(1) Pan fo'r is-adran hon yn gymwys, rhaid i berson sy'n berson perthnasol mewn perthynas ag adeilad roi gwybodaeth neu ddogfen i ddeiliad dyletswydd ar gyfer tŷ amlfeddiannaeth perthnasol yn yr adeilad (gweler hefyd erthygl 22E o'r Gorchymyn Diogelwch Tân).

(2) At ddibenion yr adran hon, mae person yn berson perthnasol mewn perthynas ag adeilad os—

(a) yw'r adeilad yn adeilad rheoleiddiedig a bod y person—

(i) yn berson atebol ar gyfer yr adeilad;

(ii) yn ddeiliad dyletswydd ar gyfer tŷ amlfeddiannaeth perthnasol yn yr adeilad;

(b) yw'r person—

(i) yn dal ystad gyfreithiol yn unrhyw ran o'r adeilad;

(ii) yn dal ystad gyfreithiol yn unrhyw ran o fangre sy'n ffurfio rhan o'r un strwythur neu set o strwythurau â'r adeilad ac sy'n gyfan gwbl neu'n rhannol uwch ben neu o dan yr adeilad.

(3) Mae is-adran (1) yn gymwys pan—

(a) bo'r wybodaeth neu'r ddogfen yn angenrheidiol i'r deiliad dyletswydd gydymffurfio â gofyniad o dan y Ddeddf hon neu reoliadau a wneir oddi tani,

(b) bo'r deiliad dyletswydd yn rhoi i'r person perthnasol gais ysgrifenedig sy'n—

(i) datgan y gwneir y cais yn unol â'r adran hon,

(ii) esbonio pam y mae'r wybodaeth neu'r ddogfen yn ofynnol gan y deiliad dyletswydd,

(iii) datgan y cyfeiriad y mae rhaid rhoi'r wybodaeth neu'r ddogfen iddo, a

(iv) datgan bod rhaid rhoi'r wybodaeth neu'r ddogfen cyn diwedd dyddiad penodedig heb fod yn llai na 14 o ddiwrnodau ar ôl y diwrnod y rhoddir y cais,

(c) bo'n rhesymol i'r person perthnasol roi i'r deiliad dyletswydd yr wybodaeth neu'r ddogfen, a

(d) yn achos cais am wybodaeth, ni all y deiliad dyletswydd wneud cais am yr wybodaeth gan y person perthnasol o dan adran 88(4).

(4) Nid yw datgelu gwybodaeth neu ddogfen yn unol â'r adran hon yn torri—

(a) unrhyw rwymedigaeth gyfrinachedd sy'n ddyledus gan y person sy'n gwneud y datgeliad, neu

(9) Before making regulations under subsection (8), the Welsh Ministers must consult—

(a) each local housing authority in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

Provision of information and documents relating to relevant HMOs

86 Requirement to give information and documents to duty holder

(1) Where this subsection applies, a person who is a relevant person in relation to a building must give information or a document to a duty holder for a relevant HMO in the building (see also article 22E of the Fire Safety Order).

(2) For the purposes of this section a person is a relevant person in relation to a building if—

(a) the building is a regulated building and the person—

(i) is an accountable person for the building;

(ii) is a duty holder for a relevant HMO in the building;

(b) the person—

(i) holds a legal estate in any part of the building;

(ii) holds a legal estate in any part of premises that form part of the same structure or set of structures as the building and are wholly or partly above or below the building.

(3) Subsection (1) applies where—

(a) the information or document is necessary for the duty holder to comply with a requirement under this Act or regulations made under it,

(b) the duty holder gives the relevant person a written request that—

(i) states that the request is made pursuant to this section,

(ii) explains why the duty holder requires the information or document,

(iii) states the address to which the information or document must be given, and

(iv) states that the information or document must be given before the end of a specified date no less than 14 days after the day on which the request is given,

(c) it is reasonable for the relevant person to give the duty holder the information or document, and

(d) in the case of a request for information, the duty holder cannot request the information from the relevant person under section 88(4).

(4) The disclosure of information or a document in accordance with this section does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) unrhyw gyfyngiad arall ar ddatgelu gwybodaeth neu ddogfen (sut bynnag y caiff ei osod).

(5) Ond gweler hefyd adran 183A o Ddeddf Diogelu Data 2018 (p. 12) (diogelu gofynion ar gyfer prosesu data personol).

(6) Yn yr adran hon, mae cyfeiriadau at berson atebol yn cynnwys person sy'n cael ei drin fel person atebol yn rhinwedd adran 36.

87 Gofyniad i ddeiliad dyletswydd roi gwybodaeth a dogfennau i bersonau eraill

(1) Caiff Gweinidogion Cymru, drwy reoliadau, ei gwneud yn ofynnol i ddeiliad dyletswydd ar gyfer tŷ amlfeddiannaeth perthnasol roi gwybodaeth berthnasol a bennir yn y rheoliadau, neu ddogfen berthnasol a bennir yn y rheoliadau, i—

(a) awdurdod diogelwch tân y tŷ amlfeddiannaeth perthnasol;

(b) meddianwyr y tŷ amlfeddiannaeth perthnasol;

(c) unrhyw berson arall a bennir yn y rheoliadau.

(2) Caiff y rheoliadau, yn benodol, wneud darpariaeth ynghylch—

(a) pryd y mae rhaid rhoi gwybodaeth berthnasol neu ddogfen berthnasol;

(b) sut y mae rhaid ei rhoi;

(c) y ffurf y mae rhaid ei rhoi ynddi.

(3) Caiff y rheoliadau osod gofynion yn ddarostyngedig i amodau neu eithriadau.

(4) Caiff y rheoliadau, yn benodol—

(a) darparu ei bod yn ofynnol i ddeiliad dyletswydd roi gwybodaeth berthnasol neu ddogfen berthnasol i berson dim ond os yw'r person wedi gofyn amdani;

(b) gwneud darpariaeth ynghylch sut y mae cais i'w wneud.

(5) Pan fo rheoliadau o dan yr adran hon yn ei gwneud yn ofynnol i wybodaeth berthnasol neu ddogfen berthnasol gael ei rhoi i awdurdod diogelwch tân, cânt wneud darpariaeth ynghylch derbynioldeb yr wybodaeth neu'r ddogfen mewn unrhyw achos troseddol.

(6) Yn yr adran hon, mae gwybodaeth a dogfennau yn "perthnasol" os ydynt yn ymwneud â'r tŷ amlfeddiannaeth perthnasol.

Dyletswyddau meddianwyr tai amlfeddiannaeth perthnasol

88 Dyletswyddau meddianwyr sy'n ymwneud â risgiau diogelwch tân a darparu gwybodaeth

(1) Mae is-adran (2) yn gymwys i feddiannydd tŷ amlfeddiannaeth perthnasol sy'n 18 oed neu'n hŷn, pan na fo'r tŷ amlfeddiannaeth perthnasol wedi ei gynnwys mewn adeilad rheoleiddiedig.

(2) Rhaid i'r meddiannydd beidio ag—

(a) yn y tŷ amlfeddiannaeth perthnasol, ar y tŷ hwnnw neu mewn perthynas â'r tŷ hwnnw, wneud unrhyw weithred sy'n creu risg sylweddol neu sy'n cynyddu'n sylweddol unrhyw risg bresennol, os bydd tân yn cychwyn yn y tŷ amlfeddiannaeth perthnasol, y bydd y tân yn lledaenu o'r tŷ amlfeddiannaeth perthnasol;

(b) any other restriction on the disclosure of information or a document (however imposed).

(5) But see also section 183A of the Data Protection Act 2018 (c. 12) (protection of requirements for processing personal data).

(6) In this section, references to an accountable person include a person who is treated as an accountable person by virtue of section 36.

87 Requirement for duty holder to give information and documents to other persons

(1) The Welsh Ministers may by regulations require a duty holder for a relevant HMO to give relevant information specified in the regulations, or a relevant document specified in the regulations, to—

(a) the fire safety authority for the relevant HMO;

(b) occupiers of the relevant HMO;

(c) any other person specified in the regulations.

(2) The regulations may, in particular, make provision about—

(a) when relevant information or a relevant document must be given;

(b) how it must be given;

(c) the form in which it must be given.

(3) The regulations may impose requirements subject to conditions or exceptions.

(4) The regulations may, in particular—

(a) provide that a duty holder is required to give relevant information or a relevant document to a person only if the person has requested it;

(b) make provision about how a request is to be made.

(5) Where regulations under this section require relevant information or a relevant document to be given to a fire safety authority, they may make provision about the admissibility of the information or document in any criminal proceedings.

(6) In this section, information and documents are "relevant" if they relate to the relevant HMO.

Duties of occupiers of relevant HMOs

88 Occupiers' duties relating to fire safety risks and provision of information

(1) Subsection (2) applies to an occupier of a relevant HMO who is aged 18 or over, where the relevant HMO is not contained in a regulated building.

(2) The occupier must not—

(a) in, on or in relation to the relevant HMO, do any act that creates a significant risk or significantly increases any existing risk that, if fire breaks out in the relevant HMO, the fire will spread from the relevant HMO;

(b) heb esgus rhesymol, symud ymaith, difrodi, neu ymyrryd â gweithrediad unrhyw beth—

(i) sydd yn y tŷ amlfeddiannaeth perthnasol, neu sy'n ffurfio rhan ohono, a

(ii) sydd wedi ei fwriadu i wella diogelwch pobl yn y tŷ amlfeddiannaeth perthnasol neu o'i amgylch mewn perthynas â risg diogelwch tân.

(3) Mae is-adran (4) yn gymwys i feddiannydd tŷ amlfeddiannaeth perthnasol sy'n 18 oed neu'n hŷn, pa un a yw'r tŷ amlfeddiannaeth perthnasol wedi ei gynnwys mewn adeilad rheoleiddiedig ai peidio.

(4) Rhaid i'r meddiannydd gydymffurfio â chais am wybodaeth os—

(a) yw'r cais—

(i) yn cael ei wneud gan landlord y tŷ amlfeddiannaeth perthnasol, a

(ii) am wybodaeth sy'n angenrheidiol i alluogi'r landlord i gydymffurfio ag adrannau 81 i 84 neu reoliadau a wneir o dan yr adrannau hynny (asesu risgiau diogelwch tân);

(b) yw'r cais—

(i) yn cael ei wneud gan ddeiliad dyletswydd ar gyfer y tŷ amlfeddiannaeth perthnasol, a

(ii) am wybodaeth sy'n angenrheidiol i alluogi'r deiliad dyletswydd i gydymffurfio ag adran 85 neu reoliadau a wneir oddi tani (rheoli risgiau diogelwch tân).

89 Mynediad gan ddeiliaid dyletswydd at ddibenion asesu a rheoli risgiau diogelwch tân

(1) Mae'r adran hon yn gymwys pan—

(a) bo deiliad dyletswydd ar gyfer tŷ amlfeddiannaeth perthnasol yn gwneud cais am fynediad i ran o'r tŷ amlfeddiannaeth perthnasol a bennir yn y cais ("y rhan benodedig"),

(b) gwneir y cais i feddiannydd o'r rhan benodedig sy'n 18 oed neu'n hŷn,

(c) bo'r cais yn cael ei wneud at ddiben a grybwyllir yn is-adran (2),

(d) bo'r cais yn cydymffurfio ag is-adran (3), ac

(e) na roddir mynediad i'r rhan benodedig.

(2) Y dibenion yw galluogi'r deiliad dyletswydd—

(a) i gydymffurfio ag adrannau 81 i 84 neu reoliadau a wneir o dan yr adrannau hynny (asesu risgiau diogelwch tân), pan mai'r deiliad dyletswydd yw landlord y tŷ amlfeddiannaeth perthnasol;

(b) i gydymffurfio ag adran 85 neu reoliadau a wneir oddi tani (rheoli risgiau diogelwch tân).

(3) Mae cais yn cydymffurfio â'r is-adran hon os yw—

(a) yn ysgrifenedig,

(b) yn nodi'r diben y gwneir y cais ar ei gyfer,

(b) without reasonable excuse, remove, damage, or interfere with the functioning of anything that—

(i) is in, or forms part of, the relevant HMO, and

(ii) is intended to improve the safety of people in or about the relevant HMO in relation to a fire safety risk.

(3) Subsection (4) applies to an occupier of a relevant HMO who is aged 18 or over, whether or not the relevant HMO is contained in a regulated building.

(4) The occupier must comply with a request for information if—

(a) the request—

(i) is made by the landlord of the relevant HMO, and

(ii) is for information that is necessary to enable the landlord to comply with sections 81 to 84 or regulations made under those sections (assessment of fire safety risks);

(b) the request—

(i) is made by a duty holder for the relevant HMO, and

(ii) is for information that is necessary to enable the duty holder to comply with section 85 or regulations made under it (management of fire safety risks).

89 Entry by duty holders for purposes of assessing and managing fire safety risks

(1) This section applies where—

(a) a duty holder for a relevant HMO makes a request for entry to a part of the relevant HMO specified in the request ("the specified part"),

(b) the request is made to an occupier of the specified part who is aged 18 or over,

(c) the request is made for a purpose mentioned in subsection (2),

(d) the request complies with subsection (3), and

(e) entry to the specified part is not given.

(2) The purposes are enabling the duty holder—

(a) to comply with sections 81 to 84 or regulations made under those sections (assessment of fire safety risks), where the duty holder is the landlord of the relevant HMO;

(b) to comply with section 85 or regulations made under it (management of fire safety risks).

(3) A request complies with this subsection if it—

(a) is in writing,

(b) sets out the purpose for which it is made,

(c) yn esbonio pam ei bod yn angenrheidiol mynd i'r rhan benodedig o'r tŷ amlfeddiannaeth perthnasol at y diben hwnnw,

(d) yn gofyn am fynediad ar ddyddiad, ac amser, sy'n rhesymol, ac

(e) yn cael ei roi i'r meddiannydd o leiaf 48 awr cyn hynny.

(4) Caiff y deiliad dyletswydd wneud cais i dribiwnlys eiddo preswyl am orchymyn mynediad i dŷ amlfeddiannaeth.

(5) Ond ni chaiff deiliad dyletswydd wneud cais am orchymyn mynediad i dŷ amlfeddiannaeth oni bai bod y deiliad dyletswydd wedi rhoi hysbysiad i'r awdurdod diogelwch tân ar gyfer y tŷ amlfeddiannaeth perthnasol yn nodi'r bwriad i wneud cais am orchymyn o'r fath mewn cysylltiad â'r meddiannydd a'r tŷ amlfeddiannaeth perthnasol (y mae rhaid i'r ddau ohonynt gael eu pennu yn yr hysbysiad).

(6) Mae gorchymyn mynediad i dŷ amlfeddiannaeth yn orchymyn sydd—

(a) yn ei gwneud yn ofynnol i'r meddiannydd ganiatáu i'r deiliad dyletswydd fynd i'r rhan benodedig o'r tŷ amlfeddiannaeth perthnasol ar amser rhesymol at y diben a nodir yn y cais o dan is-adran (3)(b), a

(b) os yw'n angenrheidiol at y diben hwnnw, yn awdurdodi'r person sy'n mynd i'r rhan benodedig yn unol â'r gorchymyn i fesur neu brofi unrhyw beth, neu gymryd samplau, ffotograffau neu recordiadau.

(7) Caiff tribiwnlys eiddo preswyl wneud gorchymyn mynediad i dŷ amlfeddiannaeth os yw'n fodlon ei bod yn angenrheidiol gwneud hynny at y diben a nodir yn y cais o dan is-adran (3)(b).

(8) Rhaid i orchymyn mynediad i dŷ amlfeddiannaeth bennu dyddiad y caniateir mynediad i'r rhan benodedig o'r tŷ amlfeddiannaeth perthnasol, neu gyfnod y caniateir i'r mynediad ddigwydd ynddo.

Mynediad i fangre amhreswyl

90 Mynediad i fangre amhreswyl gan ddeiliad dyletswydd

(1) Mae'r adran hon yn gymwys pan—

(a) bo deiliad dyletswydd ar gyfer tŷ amlfeddiannaeth perthnasol yn gwneud cais i berson perthnasol am fynediad i fangre berthnasol,

(b) bo'r cais yn cael ei wneud at ddiben a grybwyllir yn is-adran (2),

(c) bo'r cais yn cydymffurfio ag is-adran (3), a

(d) na roddir mynediad i'r fangre.

(2) Y dibenion yw—

(a) pan mai'r deiliad dyletswydd yw landlord y tŷ amlfeddiannaeth perthnasol, galluogi'r person hwnnw i gydymffurfio ag adrannau 81 i 84 neu reoliadau a wneir o dan yr adrannau hynny (asesu risgiau diogelwch tân);

(b) galluogi'r deiliad dyletswydd i gydymffurfio ag adran 85 neu reoliadau a wneir oddi tani (rheoli risgiau diogelwch tân).

(3) Mae cais yn cydymffurfio â'r is-adran hon os yw—

(a) yn ysgrifenedig,

(c) explains why it is necessary to enter the specified part of the relevant HMO for that purpose,

(d) requests entry on a date, and at a time, that is reasonable, and

(e) is given to the occupier at least 48 hours before then.

(4) The duty holder may apply to a residential property tribunal for an HMO access order.

(5) But a duty holder may not apply for an HMO access order unless the duty holder has given to the fire safety authority for the relevant HMO a notice setting out the intention to apply for such an order in respect of the occupier and the relevant HMO (both of which must be specified in the notice).

(6) An HMO access order is an order that—

(a) requires the occupier to allow the duty holder to enter the specified part of the relevant HMO at a reasonable time for the purpose set out in the request under subsection (3)(b), and

(b) if necessary for that purpose, authorises the person entering the specified part in accordance with the order to measure or test anything, or take samples, photographs or recordings.

(7) A residential property tribunal may make an HMO access order if satisfied that it is necessary to do so for the purpose set out in the request under section (3)(b).

(8) An HMO access order must specify a date on which, or a period within which, entry to the specified part of the relevant HMO may be made.

Entry to non-residential premises

90 Entry to non-residential premises by duty holder

(1) This section applies where—

(a) a duty holder for a relevant HMO makes a request to a relevant person for entry to relevant premises,

(b) the request is made for a purpose mentioned in subsection (2),

(c) the request complies with subsection (3), and

(d) entry to the premises is not given.

(2) The purposes are—

(a) where the duty holder is the landlord of the relevant HMO, enabling that person to comply with sections 81 to 84 or regulations made under those sections (assessment of fire safety risks);

(b) enabling the duty holder to comply with section 85 or regulations made under it (management of fire safety risks).

(3) A request complies with this subsection if it—

(a) is in writing,

(b) yn nodi'r diben y gwneir y cais ar ei gyfer,

(c) yn esbonio pam ei bod yn angenrheidiol mynd i'r fangre berthnasol at y diben hwnnw, a

(d) yn gofyn am fynediad ar ddyddiad, ac amser, sy'n rhesymol.

(4) Caiff y deiliad dyletswydd wneud cais i dribiwnlys eiddo preswyl am orchymyn mynediad i fangre amhreswyl o dan yr adran hon.

(5) Mae gorchymyn mynediad i fangre amhreswyl o dan yr adran hon yn orchymyn sydd—

(a) yn ei gwneud yn ofynnol i'r person perthnasol ganiatáu i'r deiliad dyletswydd fynd i'r fangre berthnasol ar amser rhesymol at y diben a nodir yn y cais o dan is-adran (3)(b), a

(b) os yw'n angenrheidiol at y diben hwnnw, yn awdurdodi'r person sy'n mynd i'r fangre yn unol â'r gorchymyn i fesur neu brofi unrhyw beth, neu gymryd samplau, ffotograffau neu recordiadau.

(6) Caiff tribiwnlys eiddo preswyl wneud gorchymyn mynediad i fangre amhreswyl o dan yr adran hon os yw'n fodlon ei bod yn angenrheidiol gwneud hynny at y diben a nodir yn y cais o dan is-adran (3)(b).

(7) Rhaid i'r gorchymyn mynediad i fangre amhreswyl bennu dyddiad y caniateir mynd i'r fangre, neu gyfnod y caniateir i'r mynediad ddigwydd ynddo.

(8) Yn yr adran hon—

ystyr "mangre berthnasol" ("*relevant premises*") yw unrhyw fangre—

(a) sy'n gyfan gwbl neu'n rhannol uwchben neu o dan y tŷ amlfeddiannaeth perthnasol, a

(b) nad yw—

(i) yn uned breswyl neu ran o uned breswyl, neu

(ii) yn ardal, neu ran o ardal, a ddarperir at ddefnydd, er budd neu er mwynhad preswylwyr uned breswyl benodol, neu unedau preswyl penodol;

ystyr "person perthnasol" ("*relevant person*") yw unrhyw berson a chanddo reolaeth dros fynediad i'r fangre berthnasol.

Cyffredinol

91 Cydweithredu a chydlynu gan ddeiliaid dyletswydd

(1) Mae is-adran (2) yn gymwys pan fo mwy nag un deiliad dyletswydd ar gyfer tŷ amlfeddiannaeth perthnasol.

(2) Wrth gyflawni ei ddyletswyddau o dan y Ddeddf hon a'r rheoliadau a wneir oddi tani, rhaid i bob deiliad dyletswydd, i'r graddau y bo hynny'n bosibl, gydweithredu a chydlynu â phob deiliad dyletswydd arall ar gyfer y tŷ amlfeddiannaeth perthnasol.

(3) Mae is-adran (4) yn gymwys pan fo—

(a) person yn ddeiliad dyletswydd ar gyfer tŷ amlfeddiannaeth perthnasol sydd wedi ei gynnwys mewn adeilad rheoleiddiedig, a

(b) sets out the purpose for which it is made,

(c) explains why it is necessary to enter the relevant premises for that purpose, and

(d) requests entry on a date, and at a time, that is reasonable.

(4) The duty holder may apply to a residential property tribunal for a non-residential premises access order under this section.

(5) A non-residential premises access order under this section is an order that—

(a) requires the relevant person to allow the duty holder to enter the relevant premises at a reasonable time for the purpose set out in the request under subsection (3)(b), and

(b) if necessary for that purpose, authorises the person entering the premises in accordance with the order to measure or test anything, or take samples, photographs or recordings.

(6) A residential property tribunal may make a non-residential premises access order under this section if satisfied that it is necessary to do so for the purpose set out in the request under subsection (3)(b).

(7) The non-residential premises access order must specify a date on which, or a period within which, entry to the premises may be made.

(8) In this section—

"relevant person" ("*person perthnasol*") means any person who has control over entry to the relevant premises;

"relevant premises" ("*mangre perthnasol*") means any premises that—

(a) are wholly or partly above or below the relevant HMO, and

(b) are not—

(i) a residential unit or part of a residential unit, or

(ii) an area, or part of an area, provided for the use, benefit or enjoyment of residents of a particular residential unit, or particular residential units.

General

91 Co-operation and co-ordination by duty holders

(1) Subsection (2) applies where there is more than one duty holder for a relevant HMO.

(2) When carrying out their duties under this Act and regulations made under it, each duty holder must so far as possible co-operate and co-ordinate with every other duty holder for the relevant HMO.

(3) Subsection (4) applies where—

(a) a person is a duty holder for a relevant HMO that is contained in a regulated building, and

(b) un neu ragor o bersonau eraill yn bersonau atebol ar gyfer yr adeilad rheoleiddiedig.

(4) Wrth gyflawni ei ddyletswyddau o dan y Ddeddf hon a'r rheoliadau a wneir oddi tani, rhaid i'r deiliad dyletswydd, i'r graddau y bo hynny'n bosibl, gydweithredu a chydlynu â phob person atebol ar gyfer yr adeilad rheoleiddiedig.

(5) Mae is-adran (6) yn gymwys pan fo—

(a) person yn ddeiliad dyletswydd ar gyfer tŷ amlfeddiannaeth perthnasol sydd wedi ei gynnwys mewn adeilad categori 1, a

(b) gorchymyn mesurau arbennig mewn grym mewn perthynas â'r adeilad categori 1.

(6) Rhaid i'r deiliad dyletswydd gydweithredu â'r rheolwr mesurau arbennig a benodir gan y gorchymyn at ddiben y rheolwr yn cyflawni ei swyddogaethau o dan y gorchymyn.

(7) Mae is-adran (8) yn gymwys pan fo—

(a) person yn ddeiliad dyletswydd ar gyfer tŷ amlfeddiannaeth perthnasol sydd wedi ei gynnwys mewn adeilad rheoleiddiedig, a

(b) gorchymyn o dan adran 24 o Ddeddf Landlord a Thenant 1987 (p. 31) mewn grym sy'n penodi rheolwr i gyflawni unrhyw swyddogaethau diogelwch adeiladau mewn perthynas â'r adeilad rheoleiddiedig neu unrhyw ran ohono.

(8) Rhaid i'r deiliad dyletswydd gydweithredu â'r rheolwr at ddiben y rheolwr yn cyflawni ei swyddogaethau diogelwch adeiladau o dan y gorchymyn.

(9) Yn is-adrannau (7) ac (8), ystyr "swyddogaeth diogelwch adeiladau" yw swyddogaeth y mae'r Ddeddf hon neu reoliadau a wneir oddi tani yn ei darparu ei bod i'w chyflawni gan berson atebol ar gyfer yr adeilad rheoleiddiedig.

(10) Mae is-adran (11) yn gymwys pan fo—

(a) person yn ddeiliad dyletswydd ar gyfer tŷ amlfeddiannaeth perthnasol, a

(b) un neu ragor o bersonau eraill yn bersonau cyfrifol at ddibenion y Gorchymyn Diogelwch Tân mewn perthynas ag—

(i) y tŷ amlfeddiannaeth perthnasol, neu

(ii) os yw'r tŷ amlfeddiannaeth perthnasol yn ffurfio rhan o adeilad, unrhyw fangre arall sy'n ffurfio rhan o'r adeilad.

(11) Rhaid i'r deiliad dyletswydd, i'r graddau y bo hynny'n bosibl, gydweithredu a chydlynu â phob person cyfrifol at ddiben pob person cyfrifol yn cyflawni ei ddyletswyddau o dan y Gorchymyn Diogelwch Tân.

92 Pŵer i gymhwyso'r Rhan hon i gartrefi symudol

(1) Caiff Gweinidogion Cymru drwy reoliadau ddarparu, mewn amgylchiadau a bennir yn y rheoliadau, fod cartref symudol a feddiennir at ddibenion preswyl gan bersonau nad ydynt yn ffurfio aelwyd unigol i'w drin fel tŷ amlfeddiannaeth perthnasol at ddibenion y Ddeddf hon.

(2) Caiff y rheoliadau ddarparu, mewn perthynas â chartref symudol sy'n cael ei drin fel tŷ amlfeddiannaeth perthnasol, fod unrhyw ddarpariaeth yn y Rhan hon neu reoliadau a wneir oddi tani—

(b) one or more other persons are accountable persons for the regulated building.

(4) When carrying out their duties under this Act and regulations made under it, the duty holder must so far as possible co-operate and co-ordinate with each accountable person for the regulated building.

(5) Subsection (6) applies where—

(a) a person is a duty holder for a relevant HMO that is contained in a category 1 building, and

(b) a special measures order is in force in relation to the category 1 building.

(6) The duty holder must co-operate with the special measures manager appointed by the order for the purpose of the manager carrying out their functions under the order.

(7) Subsection (8) applies where—

(a) a person is a duty holder for a relevant HMO that is contained in a regulated building, and

(b) an order under section 24 of the Landlord and Tenant Act 1987 (c. 31) is in force which appoints a manager to carry out any building safety functions in relation to the regulated building or any part of it.

(8) The duty holder must co-operate with the manager for the purpose of the manager carrying out their building safety functions under the order.

(9) In subsections (7) and (8), "building safety function" means a function which this Act or regulations made under it provide is to be carried out by an accountable person for the regulated building.

(10) Subsection (11) applies where—

(a) a person is a duty holder for a relevant HMO, and

(b) one or more other persons are responsible persons for the purposes of the Fire Safety Order in relation to—

(i) the relevant HMO, or

(ii) if the relevant HMO forms part of a building, any other premises forming part of the building.

(11) The duty holder must so far as possible co-operate and co-ordinate with each responsible person for the purpose of each responsible person carrying out their duties under the Fire Safety Order.

92 Power to apply this Part to mobile homes

(1) The Welsh Ministers may by regulations provide that, in circumstances specified in the regulations, a mobile home that is occupied for residential purposes by persons who do not form a single household is to be treated as a relevant HMO for the purposes of this Act.

(2) The regulations may provide that, in relation to a mobile home that is treated as a relevant HMO, any provision of this Part or regulations made under it—

(a) ddim yn gymwys, neu

(b) yn gymwys gydag addasiadau a bennir yn y rheoliadau.

(3) Yn yr adran hon, mae i "cartref symudol" yr ystyr a roddir gan adran 60 o Ddeddf Cartrefi Symudol (Cymru) 2013 (dccc 6).

93 Dehongli

(1) Yn y Rhan hon—

mae i "person â rheolaeth" yr ystyr a roddir i "person having control" gan adran 263(1) o Ddeddf Tai 2004 (p. 34) (ond nid yw'r diffiniad hwnnw'n gymwys at ddibenion adran 79(6));

mae i "person sy'n rheoli" yr ystyr a roddir i "person managing" gan adran 263(3) o'r Ddeddf honno.

(2) Ac eithrio fel y darperir yn adran 78(7), mae i ymadroddion eraill a ddefnyddir yn y Rhan hon a ddefnyddir hefyd yn Neddf Tai 2004 yr un ystyron yn y Rhan hon ag sydd iddynt yn y Ddeddf honno.

RHAN 3

PWERAU GORFODI AC YMCHWILIO

Awdurdodau gorfodi

94 Swyddogaethau gorfodi awdurdodau diogelwch tân ac awdurdodau diogelwch adeiladau

(1) Mae'n un o swyddogaethau'r awdurdod diogelwch tân ar gyfer adeilad rheoleiddiedig i orfodi, mewn perthynas â'r adeilad—

(a) gofyniad a osodir ar berson atebol (neu berson sy'n cael ei drin fel person atebol yn rhinwedd adran 36) gan—

(i) adrannau 29 i 33 neu reoliadau a wneir oddi tanynt (asesu a rheoli risgiau diogelwch tân);

(ii) adrannau 48 i 50 neu reoliadau a wneir oddi tanynt (cadw a rhoi gwybodaeth);

(iii) adran 68 (cydweithredu a chydlynu);

(b) gofyniad a osodir ar berson gan—

(i) adran 47 (rhoi gwybodaeth a dogfennau);

(ii) adran 54 (dyletswyddau diogelwch tân preswylwyr etc.);

(c) gofyniad a osodir ar berson gan adran 56 (atgyweirio gwrthiant tân unedau preswyl);

(d) gofyniad a osodir ar berson cyfrifol gan erthygl 22C, 22D neu 22E o'r Gorchymyn Diogelwch Tân (cydweithredu a gwybodaeth) (gan gynnwys pan osodir gofyniad o'r fath yn rhinwedd erthygl 5(3) o'r Gorchymyn hwnnw).

(2) Mae'n un o swyddogaethau'r awdurdod diogelwch adeiladau ar gyfer adeilad rheoleiddiedig i orfodi, mewn perthynas â'r adeilad—

(a) does not apply, or

(b) applies with modifications specified in the regulations.

(3) In this section "mobile home" has the meaning given by section 60 of the Mobile Homes (Wales) Act 2013 (anaw 6).

93 Interpretation

(1) In this Part—

"person having control" ("*person â rheolaeth*") has the meaning given by section 263(1) of the Housing Act 2004 (c. 34) (but that definition does not apply for the purposes of section 79(6));

"person managing" ("*person sy'n rheoli*") has the meaning given by section 263(3) of that Act.

(2) Except as provided in section 78(7), other expressions used in this Part that are also used in the Housing Act 2004 have the same meanings in this Part as they have in that Act.

PART 3

ENFORCEMENT AND INVESTIGATORY POWERS

Enforcing authorities

94 Enforcement functions of fire safety authorities and building safety authorities

(1) It is a function of the fire safety authority for a regulated building to enforce, in relation to the building—

(a) a requirement imposed on an accountable person (or a person treated as an accountable person by virtue of section 36) by—

(i) sections 29 to 33 or regulations made under them (assessment and management of fire safety risks);

(ii) sections 48 to 50 or regulations made under them (keeping and giving information);

(iii) section 68 (co-operation and co-ordination);

(b) a requirement imposed on a person by—

(i) section 47 (giving information and documents);

(ii) section 54 (fire safety duties of residents etc.);

(c) a requirement imposed on a person by section 56 (repair of fire resistance of residential units);

(d) a requirement imposed on a responsible person by article 22C, 22D or 22E of the Fire Safety Order (co-operation and information) (including where such a requirement is imposed by virtue of article 5(3) of that Order).

(2) It is a function of the building safety authority for a regulated building to enforce, in relation to the building—

(a) gofyniad a osodir ar berson atebol (neu berson sy'n cael ei drin fel person atebol yn rhinwedd adran 36) gan y Ddeddf hon neu reoliadau a wneir oddi tani, ac eithrio gofyniad a osodir gan adrannau 29 i 33 neu reoliadau a wneir oddi tanynt;

(b) gofyniad a osodir ar berson gan—

(i) adran 47 (rhoi gwybodaeth a dogfennau);

(ii) adran 55 (dyletswyddau diogelwch strwythurol preswylwyr etc.);

(c) gofyniad a osodir ar berson cyfrifol gan erthygl 22C, 22D neu 22E o'r Gorchymyn Diogelwch Tân (gan gynnwys pan osodir gofyniad o'r fath yn rhinwedd erthygl 5(3) o'r Gorchymyn hwnnw).

(3) Mae'n un o swyddogaethau'r awdurdod diogelwch tân ar gyfer tŷ amlfeddiannaeth perthnasol i orfodi, mewn perthynas â'r tŷ amlfeddiannaeth perthnasol—

(a) gofyniad a osodir ar ddeiliad dyletswydd gan—

(i) adrannau 81 i 85 neu reoliadau a wneir oddi tanynt (asesu a rheoli risgiau diogelwch tân);

(ii) adran 91 (cydweithredu a chydlynu);

(b) gofyniad a osodir ar berson gan—

(i) adran 86 (rhoi gwybodaeth a dogfennau);

(ii) adran 88 (dyletswyddau diogelwch tân meddianwyr);

(c) gofyniad a osodir ar berson cyfrifol gan erthygl 22C, 22D neu 22E o'r Gorchymyn Diogelwch Tân (gan gynnwys pan osodir gofyniad o'r fath yn rhinwedd erthygl 5(3) o'r Gorchymyn hwnnw).

(4) Yn y Ddeddf hon, ystyr "awdurdod gorfodi" yw awdurdod diogelwch adeiladau neu awdurdod diogelwch tân.

Pwerau awdurdodau gorfodi i roi hysbysiadau

95 Pŵer awdurdod gorfodi i roi hysbysiad gwybodaeth

(1) Caiff awdurdod gorfodi roi hysbysiad gwybodaeth i unrhyw berson at ddiben—

(a) ymchwilio i gydymffurfedd ag unrhyw ofyniad y mae gan yr awdurdod y swyddogaeth o orfodi, neu

(b) arfer unrhyw un neu ragor o swyddogaethau eraill yr awdurdod o dan y Ddeddf hon neu reoliadau a wneir oddi tani.

(2) Mae hysbysiad gwybodaeth yn hysbysiad sy'n ei gwneud yn ofynnol i'r person roi gwybodaeth benodedig neu ddogfennau penodedig i'r awdurdod o fewn cyfnod penodedig.

(3) Caiff hysbysiad gwybodaeth bennu—

(a) sut y mae rhaid rhoi unrhyw wybodaeth neu ddogfen;

(b) y ffurf y mae rhaid ei rhoi ynddi.

(4) Ni chaiff hysbysiad gwybodaeth ei gwneud yn ofynnol i berson roi unrhyw wybodaeth neu ddogfen y gellid cynnal hawliad am fraint broffesiynol gyfreithiol mewn cysylltiad â hwy mewn achos cyfreithiol.

(a) a requirement imposed on an accountable person (or a person treated as an accountable person by virtue of section 36) by this Act or regulations made under it, except a requirement imposed by sections 29 to 33 or regulations made under them;

(b) a requirement imposed on a person by—

(i) section 47 (giving information and documents);

(ii) section 55 (structural safety duties of residents etc.);

(c) a requirement imposed on a responsible person by article 22C, 22D or 22E of the Fire Safety Order (including where such a requirement is imposed by virtue of article 5(3) of that Order).

(3) It is a function of the fire safety authority for a relevant HMO to enforce, in relation to the relevant HMO—

(a) a requirement imposed on a duty holder by—

(i) sections 81 to 85 or regulations made under them (assessment and management of fire safety risks);

(ii) section 91 (co-operation and co-ordination);

(b) a requirement imposed on a person by—

(i) section 86(giving information and documents);

(ii) section 88 (fire safety duties of occupiers);

(c) a requirement imposed on a responsible person by article 22C, 22D or 22E of the Fire Safety Order (including where such a requirement is imposed by virtue of article 5(3) of that Order).

(4) In this Act, "enforcing authority" means a building safety authority or a fire safety authority.

Powers of enforcing authorities to give notices

95 Power of enforcing authority to give information notice

(1) An enforcing authority may give an information notice to any person for the purpose of—

(a) investigating compliance with any requirement that the authority has the function of enforcing, or

(b) exercising any other function of the authority under this Act or regulations made under it.

(2) An information notice is a notice requiring the person to give the authority specified information or specified documents within a specified period.

(3) An information notice may specify—

(a) how any information or document must be given;

(b) the form in which it must be given.

(4) An information notice may not require a person to give any information or document in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

(5) Rhaid i hysbysiad gwybodaeth—

(a) nodi ei fod yn hysbysiad a roddir o dan yr adran hon, a

(b) esbonio canlyniadau methu â chydymffurfio â'r hysbysiad.

(6) Caiff awdurdod gorfodi sydd wedi rhoi hysbysiad gwybodaeth i berson dynnu'r hysbysiad yn ôl ar unrhyw adeg drwy roi hysbysiad pellach i'r person.

(7) Nid yw gwybodaeth y mae person yn ei rhoi i awdurdod gorfodi o dan yr adran hon yn dderbyniadwy mewn tystiolaeth yn erbyn y person mewn achos troseddol ac eithrio—

(a) mewn achos am drosedd o dan adran 101(1)(a),

(b) mewn achos am drosedd o dan adran 108 (darparu gwybodaeth anwir neu gamarweiniol),

(c) mewn achos am drosedd o wyrdroi cwrs cyfiawnder, neu

(d) os yn yr achos—

(i) wrth roi tystiolaeth, bod y person yn gwneud datganiad sy'n anghyson â'r wybodaeth, a

(ii) y caiff tystiolaeth sy'n ymwneud â'r wybodaeth a roddwyd ei dwyn, neu y gofynnir cwestiwn sy'n ymwneud â'r wybodaeth honno, gan neu ar ran y person.

(8) Yn yr adran hon, ystyr "penodedig" yw wedi ei bennu yn yr hysbysiad gwybodaeth.

96 Pŵer awdurdod gorfodi i roi hysbysiad cydymffurfio

(1) Caiff awdurdod gorfodi roi hysbysiad cydymffurfio i unrhyw berson y mae'n ystyried—

(a) sydd wedi torri gofyniad y mae gan yr awdurdod y swyddogaeth o'i orfodi,

(b) sy'n torri gofyniad o'r fath, neu

(c) sy'n debygol o dorri gofyniad o'r fath.

(2) Mae hysbysiad cydymffurfio yn hysbysiad sy'n ei gwneud yn ofynnol i'r person, o fewn cyfnod a bennir yn yr hysbysiad, wneud unrhyw un neu ragor neu'r cyfan o'r hyn a ganlyn—

(a) unioni'r torri neu'r materion sy'n arwain ato;

(b) cymryd camau penodedig mewn perthynas ag unioni'r toriad;

(c) cymryd camau penodedig mewn perthynas ag osgoi'r toriad rhag digwydd.

(3) Os yw'r awdurdod gorfodi yn ystyried bod y toriad wedi gosod neu y bydd yn gosod pobl perthnasol mewn perygl sydd ar fin digwydd, caiff yr hysbysiad nodi ei fod yn "hysbysiad gweithredu ar frys" at ddibenion adran 97.

(4) Pan fo awdurdod gorfodi yn rhoi hysbysiad cydymffurfio i berson, rhaid iddo ar yr un pryd roi i'r person ddatganiad sy'n—

(a) crynhoi gofynion yr hysbysiad,

(b) egluro canlyniadau methu â chydymffurfio â'r hysbysiad, ac

(c) cynnwys gwybodaeth am yr hawl i apelio o dan adran 97.

(5) An information notice must—

(a) state that it is a notice given under this section, and

(b) explain the consequences of failing to comply with it.

(6) An enforcing authority that has given an information notice to a person may withdraw the notice at any time by giving a further notice to the person.

(7) Information that a person gives to an enforcing authority under this section is not admissible in evidence against the person in criminal proceedings except—

(a) in proceedings for an offence under section 101(1)(a),

(b) in proceedings for an offence under section 108 (providing false or misleading information),

(c) in proceedings for an offence of perverting the course of justice, or

(d) if in the proceedings—

(i) in giving evidence the person makes a statement inconsistent with the information, and

(ii) evidence relating to the information that was given is adduced, or a question relating to it is asked, by or on behalf of the person.

(8) In this section, "specified" means specified in the information notice.

96 Power of enforcing authority to give compliance notice

(1) An enforcing authority may give a compliance notice to any person it considers—

(a) has contravened a requirement that the authority has the function of enforcing,

(b) is contravening such a requirement, or

(c) is likely to contravene such a requirement.

(2) A compliance notice is a notice requiring the person, within a period specified in the notice, to do any or all of the following—

(a) remedy the contravention or the matters giving rise to it;

(b) take specified steps relating to remedying the contravention;

(c) take specified steps relating to avoiding the contravention occurring.

(3) If the enforcing authority considers that the contravention has placed or will place relevant people in imminent danger, the notice may state that it is an "urgent action notice" for the purposes of section 97.

(4) Where an enforcing authority gives a compliance notice to a person, it must at the same time give to the person a statement that—

(a) summarises the requirements of the notice,

(b) explains the consequences of failing to comply with the notice, and

(c) includes information about the right of appeal under section 97.

(5) Pan fo awdurdod diogelwch adeiladau yn rhoi hysbysiad cydymffurfio mewn perthynas ag adeilad rheoleiddiedig, rhaid iddo sicrhau yr hysbysir y canlynol—

(a) unrhyw gyngor sir neu gyngor bwrdeistref sirol arall yng Nghymru y mae unrhyw ran o'r adeilad wedi ei lleoli yn ei ardal;

(b) awdurdod diogelwch tân yr adeilad;

(c) Gweinidogion Cymru, os yw'r prif berson atebol ar gyfer yr adeilad yn landlord cymdeithasol cofrestredig;

(d) unrhyw berson arall a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.

(6) Pan fo awdurdod diogelwch tân yn rhoi hysbysiad cydymffurfio mewn perthynas ag adeilad rheoleiddiedig neu dŷ amlfeddiannaeth perthnasol, rhaid iddo sicrhau yr hysbysir y canlynol—

(a) yr awdurdod diogelwch adeiladau ar gyfer yr adeilad ac unrhyw gyngor sir neu gyngor bwrdeistref sirol arall yng Nghymru y mae unrhyw ran o'r adeilad wedi ei lleoli yn ei ardal, os yw'r hysbysiad yn ymwneud ag adeilad rheoleiddiedig neu dŷ amlfeddiannaeth perthnasol sydd wedi ei gynnwys mewn adeilad rheoleiddiedig;

(b) Gweinidogion Cymru, os yw'r prif berson atebol ar gyfer yr adeilad neu landlord y tŷ amlfeddiannaeth perthnasol yn landlord cymdeithasol cofrestredig;

(c) unrhyw berson arall a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.

(7) Nid yw methu â chydymffurfio ag is-adran (5) neu (6) yn effeithio ar ddilysrwydd yr hysbysiad.

(8) Caiff awdurdod gorfodi sydd wedi rhoi hysbysiad cydymffurfio i berson dynnu'r hysbysiad yn ôl ar unrhyw adeg drwy roi hysbysiad pellach i'r person.

(9) Yn is-adran (3), ystyr "pobl perthnasol" yw pobl yn yr adeilad rheoleiddiedig neu'r tŷ amlfeddiannaeth perthnasol y mae'r toriad yn ymwneud ag ef, neu o amgylch yr adeilad rheoleiddiedig neu'r tŷ amlfeddiannaeth perthnasol y mae'r toriad yn ymwneud ag ef.

97 Apêl yn erbyn hysbysiad cydymffurfio

(1) Caiff person y rhoddwyd hysbysiad cydymffurfio iddo apelio i dribiwnlys eiddo preswyl yn erbyn yr hysbysiad.

(2) Rhaid gwneud apêl cyn diwedd 21 o ddiwrnodau sy'n dechrau â'r diwrnod drannoeth y diwrnod y rhoddir yr hysbysiad i'r person.

(3) Caiff y tribiwnlys ganiatáu i apêl gael ei gwneud iddo ar ôl diwedd y cyfnod a grybwyllir yn is-adran (2) os yw wedi ei fodloni bod rheswm da dros y methiant i apelio cyn diwedd y cyfnod hwnnw (a thros unrhyw oedi cyn gwneud cais am ganiatâd i apelio ar ôl yr amser priodol).

(4) Caniateir i apêl gael ei gwneud ar y naill neu'r llall o'r seiliau a ganlyn neu'r ddwy ohonynt—

(a) nad yw'r person wedi torri, nad yw yn torri, neu nad yw'n debygol o dorri, y gofyniad y mae'r hysbysiad yn ymwneud ag ef;

(b) ei bod yn afresymol ei gwneud yn ofynnol i'r person wneud peth sy'n ofynnol gan yr hysbysiad o dan adran 96(2).

(5) Where a building safety authority gives a compliance notice in relation to a regulated building, it must ensure the following are informed—

(a) any other county council or county borough council in Wales in whose area any part of the building is situated;

(b) the fire safety authority for the building;

(c) the Welsh Ministers, if the principal accountable person for the building is a registered social landlord;

(d) any other person specified in regulations made by the Welsh Ministers.

(6) Where a fire safety authority gives a compliance notice in relation to a regulated building or a relevant HMO, it must ensure the following are informed—

(a) the building safety authority for the building and any other county council or county borough council in Wales in whose area any part of the building is situated, if the notice relates to a regulated building or a relevant HMO that is contained in a regulated building;

(b) the Welsh Ministers, if the principal accountable person for the building or the landlord of the relevant HMO is a registered social landlord;

(c) any other person specified in regulations made by the Welsh Ministers.

(7) A failure to comply with subsection (5) or (6) does not affect the validity of the notice.

(8) An enforcing authority that has given a compliance notice to a person may withdraw the notice at any time by giving a further notice to the person.

(9) In subsection (3), "relevant people" means people in or about the regulated building or relevant HMO to which the contravention relates.

97 Appeal against compliance notice

(1) A person to whom a compliance notice has been given may appeal to a residential property tribunal against the notice.

(2) An appeal must be made before the end of 21 days beginning with the day after the day on which the notice is given to the person.

(3) The tribunal may allow an appeal to be made to it after the end of the period mentioned in subsection (2) if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay in applying for permission to appeal out of time).

(4) An appeal may be made on either or both of the following grounds—

(a) that the person has not contravened, is not contravening, or is not likely to contravene, the requirement to which the notice relates;

(b) that it is unreasonable to require the person to do a thing required by the notice under section 96(2).

(5) Pan wneir apêl yn erbyn hysbysiad cydymffurfio nad yw'n hysbysiad gweithredu ar frys—

(a) nid yw'r hysbysiad cydymffurfio yn cael effaith hyd nes y penderfynir yn derfynol ar yr apêl neu y tynnir yr apêl yn ôl, a

(b) caiff y cyfnod ar gyfer cydymffurfio â'r hysbysiad a bennir o dan adran 96(2) ei drin fel pe bai wedi ei estyn gan y cyfnod—

(i) sy'n dechrau â'r diwrnod drannoeth y diwrnod y gwneir yr apêl, a

(ii) sy'n dod i ben ar y diwrnod y penderfynir yn derfynol ar yr apêl neu y tynnir yr apêl yn ôl.

(6) Pan wneir apêl yn erbyn hysbysiad cydymffurfio sy'n hysbysiad gweithredu ar frys—

(a) caiff yr apelydd wneud cais i'r tribiwnlys am gyfarwyddyd nad yw'r hysbysiad cydymffurfio o unrhyw effaith hyd nes y penderfynir yn derfynol ar yr apêl neu y tynnir yr apêl yn ôl, a

(b) oni bai y rhoddir cyfarwyddyd o'r fath a hyd nes y rhoddir cyfarwyddyd o'r fath, mae'r hysbysiad cydymffurfio yn parhau i gael effaith er gwaethaf bod yr apêl yn cael ei gwneud.

(7) Ar apêl o dan yr adran hon, caiff y tribiwnlys—

(a) cadarnhau yr hysbysiad cydymffurfio,

(b) amrywio'r hysbysiad, neu

(c) diddymu'r hysbysiad.

98 Pŵer yr awdurdod diogelwch tân i roi hysbysiad gwahardd

(1) Mae'r adran hon yn gymwys pan fo'r awdurdod diogelwch tân ar gyfer adeilad rheoleiddiedig neu dŷ amlfeddiannaeth perthnasol yn ystyried bod defnydd o'r adeilad neu'r tŷ amlfeddiannaeth perthnasol yn cynnwys, neu'n debygol o gynnwys, risg diogelwch tân sydd mor ddifrifol (pa un a yw hynny oherwydd unrhyw beth sy'n effeithio ar allu pobl i ddianc os bydd tân, neu am unrhyw reswm arall) y dylid gwahardd neu gyfyngu ar ddefnydd yr adeilad neu'r tŷ amlfeddiannaeth perthnasol.

(2) Caiff yr awdurdod diogelwch tân roi hysbysiad gwahardd i—

(a) person atebol ar gyfer yr adeilad, neu unrhyw berson arall sy'n cael ei drin fel person atebol ar gyfer yr adeilad yn rhinwedd adran 36;

(b) deiliad dyletswydd ar gyfer y tŷ amlfeddiannaeth perthnasol.

(3) Mae hysbysiad gwahardd yn hysbysiad sydd—

(a) yn gwahardd y defnydd y cyfeirir ato yn is-adran (1), neu

(b) yn cyfyngu ar y defnydd hwnnw i'r graddau a bennir yn yr hysbysiad,

hyd nes bod y materion sy'n arwain at y risg diogelwch tân, neu a fydd yn arwain at risg o'r fath wedi eu hunioni.

(4) Rhaid i hysbysiad gwahardd—

(a) pennu'r materion sy'n arwain at y risg diogelwch tân, neu a fydd yn arwain at y risg diogelwch tân;

(5) Where an appeal is made against a compliance notice that is not an urgent action notice—

(a) the compliance notice is of no effect pending the final determination or withdrawal of the appeal, and

(b) the period for complying with the notice specified under section 96(2) is treated as extended by the period—

(i) beginning with the day after the day on which the appeal is made, and

(ii) ending with the day on which the appeal is finally determined or withdrawn.

(6) Where an appeal is made against a compliance notice that is an urgent action notice—

(a) the appellant may apply to the tribunal for a direction that the compliance notice is of no effect pending the final determination or withdrawal of the appeal, and

(b) unless and until such a direction is given, the compliance notice continues to have effect despite the making of the appeal.

(7) On an appeal under this section, the tribunal may—

(a) uphold the compliance notice,

(b) vary the notice, or

(c) quash the notice.

98 Power of fire safety authority to give prohibition notice

(1) This section applies where the fire safety authority for a regulated building or relevant HMO considers that use of the building or relevant HMO involves, or is likely to involve, a fire safety risk that is so serious (whether because of anything affecting the ability of people to escape in the event of fire, or for any other reason) that use of the building or relevant HMO should be prohibited or restricted.

(2) The fire safety authority may give a prohibition notice to—

(a) an accountable person for the building, or any other person treated as an accountable person for the building by virtue of section 36;

(b) a duty holder for the relevant HMO.

(3) A prohibition notice is a notice—

(a) prohibiting the use referred to in subsection (1), or

(b) restricting that use to an extent specified in the notice,

until the matters that give rise, or will give rise, to the fire safety risk have been remedied.

(4) A prohibition notice must—

(a) specify the matters that give rise, or will give rise, to the fire safety risk;

(b) pennu'r amser pan fydd gwaharddiad neu gyfyngiad a osodwyd ganddo yn cymryd effaith;

(c) esbonio canlyniadau torri gwaharddiad neu gyfyngiad o'r fath;

(d) cynnwys gwybodaeth am yr hawl i apelio o dan adran 99.

(5) Caiff hysbysiad gwahardd ddatgan bod gwaharddiad neu gyfyngiad yn cymryd effaith cyn gynted ag y rhoddir yr hysbysiad, ond dim ond os yw'r awdurdod diogelwch tân yn ystyried bod risg o farwolaeth neu anaf difrifol ar fin digwydd, neu bod risg o farwolaeth neu anaf difrifol ar fin digwydd yn debygol.

(6) Rhaid i dderbynnydd hysbysiad gwahardd gymryd pob cam rhesymol i sicrhau—

(a) yr hysbysir meddianwyr yr adeilad neu'r tŷ amlfeddiannaeth perthnasol am unrhyw waharddiad neu gyfyngiad a gynhwysir yn yr hysbysiad cyn gynted â phosibl;

(b) y rhwystrir neu y cyfyngir ar ddefnydd yr adeilad neu'r tŷ amlfeddiannaeth perthnasol i'r graddau sy'n ofynnol gan yr hysbysiad.

(7) Mae'r camau y mae rhaid eu cymryd o dan is-adran (6) yn cynnwys arddangos copi o'r hysbysiad gwahardd mewn lle amlwg wrth bob mynedfa i'r adeilad neu'r tŷ amlfeddiannaeth perthnasol.

(8) Cyn rhoi hysbysiad gwahardd mewn perthynas â thŷ amlfeddiannaeth perthnasol, rhaid i'r awdurdod diogelwch tân, pan fo'n ymarferol, hysbysu'r awdurdod tai lleol am ei fwriad a'r defnydd y mae'n bwriadu ei wahardd neu ei gyfyngu.

(9) Pan fo awdurdod diogelwch tân yn rhoi hysbysiad gwahardd mewn perthynas ag adeilad rheoleiddiedig neu dŷ amlfeddiannaeth perthnasol, rhaid iddo sicrhau yr hysbysir y canlynol—

(a) yr awdurdod diogelwch adeiladau ar gyfer yr adeilad ac unrhyw gyngor sir neu gyngor bwrdeistref sirol arall yng Nghymru y mae unrhyw ran o'r adeilad wedi ei lleoli yn ei ardal, os yw'r hysbysiad yn ymwneud ag adeilad rheoleiddiedig neu dŷ amlfeddiannaeth perthnasol sydd wedi ei gynnwys mewn adeilad rheoleiddiedig;

(b) Gweinidogion Cymru, os yw'r prif berson atebol ar gyfer yr adeilad neu landlord y tŷ amlfeddiannaeth perthnasol yn landlord cymdeithasol cofrestredig;

(c) unrhyw berson arall a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.

(10) Nid yw methu â chydymffurfio ag is-adran (8) neu (9) yn effeithio ar ddilysrwydd yr hysbysiad gwahardd.

(11) Caiff awdurdod diogelwch tân sydd wedi rhoi hysbysiad gwahardd i berson dynnu'r hysbysiad yn ôl ar unrhyw adeg drwy roi hysbysiad pellach i'r person.

99 Apêl yn erbyn hysbysiad gwahardd

(1) Caiff person a grybwyllir yn is-adran (2) apelio i dribiwnlys eiddo preswyl yn erbyn hysbysiad gwahardd.

(2) Y personau yw—

(a) pan fo'r hysbysiad gwahardd yn ymwneud ag adeilad rheoleiddiedig—

(i) person atebol ar gyfer yr adeilad, neu berson sy'n cael ei drin fel person atebol ar gyfer yr adeilad yn rhinwedd adran 36;

(b) specify the time when a prohibition or restriction imposed by it takes effect;

(c) explain the consequences of contravening such a prohibition or restriction;

(d) include information about the right of appeal under section 99.

(5) A prohibition notice may state that a prohibition or restriction takes effect as soon as the notice is given, but only if the fire safety authority considers that there is, or is likely to be, an imminent risk of death or serious injury.

(6) The recipient of a prohibition notice must take all reasonable steps to ensure that—

(a) occupiers of the building or relevant HMO are informed of any prohibition or restriction contained in the notice as soon as possible;

(b) use of the building or relevant HMO is prevented or restricted to the extent required by the notice.

(7) The steps that must be taken under subsection (6) include displaying a copy of the prohibition notice in a conspicuous place at each entrance to the building or relevant HMO.

(8) Before giving a prohibition notice in relation to a relevant HMO, the fire safety authority must, where practicable, inform the local housing authority of its intention and the use which it intends to prohibit or restrict.

(9) Where a fire safety authority gives a prohibition notice in relation to a regulated building or a relevant HMO, it must ensure the following are informed—

(a) the building safety authority for the building and any other county council or county borough council in Wales in whose area any part of the building is situated, if the notice relates to a regulated building or a relevant HMO that is contained in a regulated building;

(b) the Welsh Ministers, if the principal accountable person for the building or the landlord of the relevant HMO is a registered social landlord;

(c) any other person specified in regulations made by the Welsh Ministers.

(10) A failure to comply with subsection (8) or (9) does not affect the validity of the prohibition notice.

(11) A fire safety authority that has given a prohibition notice to a person may withdraw the notice at any time by giving a further notice to the person.

99 Appeal against prohibition notice

(1) A person mentioned in subsection (2) may appeal to a residential property tribunal against a prohibition notice.

(2) The persons are—

(a) where the prohibition notice relates to a regulated building—

(i) an accountable person for the building or a person who is treated as an accountable person for the building by virtue of section 36;

(ii) preswylydd neu berchennog uned breswyl yn yr adeilad (gan gynnwys rhan o'r adeilad a fyddai'n uned breswyl oni bai am reoliadau a wneir o dan adran 5(6)(a));

(iii) meddiannydd unrhyw fangre arall sy'n ffurfio rhan o'r adeilad;

(iv) perchennog yr ystad rydd-ddaliadol yn yr adeilad neu unrhyw ran ohono;

(b) pan fo'r hysbysiad gwahardd yn ymwneud a thŷ amlfeddiannaeth perthnasol—

(i) deiliad dyletswydd ar gyfer y tŷ amlfeddiannaeth perthnasol;

(ii) meddiannydd y tŷ amlfeddiannaeth perthnasol;

(iii) perchennog yr ystad rydd-ddaliadol yn y tŷ amlfeddiannaeth perthnasol neu unrhyw ran ohono.

(3) Caniateir i apêl gael ei gwneud ar unrhyw adeg—

(a) cyn i'r gwaharddiad neu'r cyfyngiad a osodir gan yr hysbysiad gwahardd gymryd effaith, neu

(b) pan fo'r gwaharddiad neu'r cyfyngiad a osodir gan yr hysbysiad mewn effaith.

(4) Caniateir gwneud apêl ar un neu ragor o'r seiliau a ganlyn—

(a) nad yw'r materion a bennir yn yr hysbysiad o dan adran 98(4)(a) wedi digwydd;

(b) nad yw'r materion hynny yn arwain, ac nad ydynt yn debygol o arwain, at risg diogelwch tân sydd mor ddifrifol fel y dylid gwahardd neu gyfyngu ar ddefnydd o'r adeilad neu'r tŷ amlfeddiannaeth perthnasol;

(c) bod y gwaharddiad neu'r cyfyngiad a osodir gan yr hysbysiad yn afresymol neu'n ormodol.

(5) Pan wneir apêl yn erbyn hysbysiad gwahardd—

(a) caiff yr apelydd wneud cais i'r tribiwnlys am gyfarwyddyd nad yw'r hysbysiad o unrhyw effaith hyd nes y penderfynir yn derfynol ar yr apêl neu y tynnir yr apêl yn ôl, a

(b) oni bai y rhoddir cyfarwyddyd o'r fath a hyd nes y rhoddir cyfarwyddyd o'r fath, mae'r hysbysiad gwahardd yn parhau i gael effaith er gwaethaf bod yr apêl yn cael ei gwneud.

(6) Ar apêl o dan yr adran hon, caiff y tribiwnlys—

(a) cadarnhau yr hysbysiad gwahardd,

(b) amrywio'r hysbysiad, neu

(c) diddymu'r hysbysiad.

(7) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio'r rhestrau o bersonau yn is-adran (2) drwy—

(a) ychwanegu person at restr,

(b) tynnu person ymaith, neu

(c) amrywio'r disgrifiad o berson.

(ii) a resident or owner of a residential unit in the building (including a part of the building that would be a residential unit but for regulations made under section 5(6)(a));

(iii) an occupier of any other premises that form part of the building;

(iv) an owner of the freehold estate in the building or any part of it;

(b) where the prohibition notice relates to a relevant HMO—

(i) a duty holder for the relevant HMO;

(ii) an occupier of the relevant HMO;

(iii) an owner of the freehold estate in the relevant HMO or any part of it.

(3) An appeal may be made at any time—

(a) before the prohibition or restriction imposed by the prohibition notice takes effect, or

(b) when the prohibition or restriction imposed by the notice is in effect.

(4) An appeal may be made on one or more of the following grounds—

(a) that the matters specified in the notice under section 98(4)(a) have not occurred;

(b) that those matters do not, and are not likely to, give rise to a fire safety risk that is so serious that use of the building or relevant HMO should be prohibited or restricted;

(c) that the prohibition or restriction imposed by the notice is unreasonable or excessive.

(5) Where an appeal is made against a prohibition notice—

(a) the appellant may apply to the tribunal for a direction that the notice is of no effect pending the final determination or withdrawal of the appeal, and

(b) unless and until such a direction is given, the prohibition notice continues to have effect despite the making of the appeal.

(6) On an appeal under this section, the tribunal may—

(a) uphold the prohibition notice,

(b) vary the notice, or

(c) quash the notice.

(7) The Welsh Ministers may by regulations amend the lists of persons in subsection (2) by—

(a) adding a person to a list,

(b) removing a person, or

(c) varying the description of a person.

100 Hysbysiadau: atodol

(1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth bellach ynghylch—

(a) hysbysiadau gwybodaeth;

(b) hysbysiadau cydymffurfio;

(c) hysbysiadau gwahardd.

(2) Caiff y rheoliadau, yn benodol, wneud darpariaeth ynghylch—

(a) ffurf a chynnwys hysbysiad neu ddatganiad o dan adran 96(4) sy'n crynhoi hysbysiad cydymffurfio;

(b) diwygio hysbysiad neu dynnu hysbysiad yn ôl;

(c) estyn unrhyw gyfnod a bennir mewn hysbysiad;

(d) sut y mae rhaid rhoi hysbysiad neu ddatganiad sy'n crynhoi hysbysiad cydymffurfio.

(3) Caiff y rheoliadau ddarparu i awdurdod gorfodi gynnwys gwybodaeth sy'n ymwneud â hysbysiadau cydymffurfio a roddir ganddo mewn cofrestr.

(4) Caiff y rheoliadau ddarparu i awdurdod diogelwch tân gynnwys gwybodaeth sy'n ymwneud â hysbysiadau gwahardd a roddir ganddo mewn cofrestr.

(5) Caiff darpariaeth o dan is-adran (3) neu (4) gynnwys darpariaeth ynghylch cadw cofrestr a chyhoeddi gwybodaeth a gynhwysir ynddi.

101 Hysbysiadau: troseddau

(1) Mae person yn cyflawni trosedd os yw'r person hwnnw—

(a) yn methu â chydymffurfio â hysbysiad gwybodaeth a roddir i'r person;

(b) yn methu â chydymffurfio â hysbysiad cydymffurfio a roddir i'r person;

(c) yn torri gwaharddiad neu gyfyngiad a gynhwysir mewn hysbysiad gwahardd;

(d) yn methu â chydymffurfio ag adran 98(6) (camau i'w cymryd gan dderbynnydd yr hysbysiad gwahardd).

(2) Mewn achos yn erbyn person am drosedd o dan is-adran (1) mae'n amddiffyniad i'r person brofi bod gan y person esgus rhesymol dros y methiant neu'r toriad.

(3) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored—

(a) ar euogfarn ddiannod, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na'r terfyn cymwys o dan adran 224(1A)(b) o'r Cod Dedfrydu, neu'r ddau;

(b) ar euogfarn ar dditiad, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na 2 flynedd, neu'r ddau.

(4) Mae person sydd wedi ei euogfarnu o drosedd o dan is-adran (1) yn cyflawni trosedd bellach os yw'r methiant neu'r toriad yn parhau ar ôl yr euogfarn.

(5) Mae person sy'n euog o drosedd o dan is-adran (4) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 1 ar y raddfa safonol ar gyfer pob diwrnod y mae'r methiant neu'r toriad yn parhau.

100 Notices: supplementary

(1) The Welsh Ministers may by regulations make further provision about—

(a) information notices;

(b) compliance notices;

(c) prohibition notices.

(2) The regulations may in particular make provision about—

(a) the form and content of a notice or a statement under section 96(4) summarising a compliance notice;

(b) the amendment or withdrawal of a notice;

(c) the extension of any period specified in a notice;

(d) how a notice or a statement summarising a compliance notice must be given.

(3) The regulations may provide for an enforcing authority to include information relating to compliance notices given by it in a register.

(4) The regulations may provide for a fire safety authority to include information relating to prohibition notices given by it in a register.

(5) Provision under subsection (3) or (4) may include provision about the keeping of a register and the publication of information contained in it.

101 Notices: offences

(1) A person commits an offence if the person—

(a) fails to comply with an information notice given to the person;

(b) fails to comply with a compliance notice given to the person;

(c) contravenes a prohibition or restriction contained in a prohibition notice;

(d) fails to comply with section 98(6) (steps to be taken by recipient of prohibition notice).

(2) In proceedings against a person for an offence under subsection (1) it is a defence for the person to prove that the person had a reasonable excuse for the failure or contravention.

(3) A person guilty of an offence under subsection (1) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(4) A person who has been convicted of an offence under subsection (1) commits a further offence if the failure or contravention continues after the conviction.

(5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 1 on the standard scale for each day on which the failure or contravention continues.

Swyddogaethau swyddogion awdurdodedig

102 Swyddogion awdurdodedig ac ystyr "diben perthnasol"

(1) Caiff awdurdod gorfodi awdurdodi person i arfer swyddogaeth o dan ddarpariaeth o'r Rhan hon sydd—

(a) yn rhoi swyddogaethau i swyddog awdurdodedig, a

(b) yn cael ei bennu yn yr awdurdodiad.

(2) Ond caiff awdurdod gorfodi ond awdurdodi person i arfer swyddogaethau y mae'r awdurdod yn ystyried bod y person wedi ei gymhwyso'n briodol i'w harfer.

(3) Rhaid i awdurdodiad o dan yr adran hon gael ei roi yn ysgrifenedig.

(4) Caniateir amrywio neu ddirymu awdurdodiad o dan yr adran hon drwy offeryn ysgrifenedig.

(5) Wrth arfer neu geisio arfer swyddogaeth swyddog awdurdodedig, rhaid i berson, os gofynnir iddo, gyflwyno tystiolaeth o'r awdurdodiad.

(6) Yn y Rhan hon—

(a) ystyr "swyddog awdurdodedig" yw person a awdurdodwyd o dan yr adran hon;

(b) mae cyfeiriadau at "swyddog awdurdodedig" mewn perthynas â swyddogaeth o dan y Rhan hon yn gyfeiriadau at berson a awdurdodwyd o dan yr adran hon mewn cysylltiad â'r swyddogaeth honno;

(c) ystyr "diben perthnasol", mewn perthynas â swyddog awdurdodedig, yw—

(i) ymchwilio i gydymffurfedd ag unrhyw ofyniad y mae gan yr awdurdod a awdurdododd y swyddog y swyddogaeth o orfodi, neu

(ii) unrhyw ddiben arall sy'n ymwneud ag unrhyw swyddogaeth yr awdurdod hwnnw o dan y Ddeddf hon neu reoliadau a wneir oddi tani.

103 Pŵer i fynd i fangre nad yw'n cael ei defnyddio fel uned breswyl

(1) Caiff swyddog awdurdodedig fynd i unrhyw fangre nad yw'n cael ei defnyddio fel uned breswyl—

(a) pan fo'r swyddog yn ystyried ei bod yn angenrheidiol mynd i'r fangre at ddiben perthnasol, a

(b) oni bai bod y swyddog yn ystyried y byddai'n llesteirio'r diben, pan fo—

(i) y mynediad yn digwydd ar adeg resymol o'r dydd, a

(ii) hysbysiad rhesymol yn cael ei roi i'r meddiannydd neu i berson sy'n ymddangos i'r swyddog ei fod yn gyfrifol am y fangre.

(2) Caiff swyddog awdurdodedig fynd i unrhyw fangre nad yw'n cael ei defnyddio fel uned breswyl drwy rym (os oes angen) pan fo—

(a) y swyddog yn ystyried ei bod yn angenrheidiol mynd i'r fangre at ddiben perthnasol, a

(b) gwarant wedi ei ddyroddi gan ynad heddwch o dan is-adran (3).

Functions of authorised officers

102 Authorised officers and meaning of "relevant purpose"

(1) An enforcing authority may authorise a person to exercise a function under a provision of this Part that—

(a) confers functions on an authorised officer, and

(b) is specified in the authorisation.

(2) But an enforcing authority may only authorise a person to exercise functions that the authority considers the person suitably qualified to exercise.

(3) An authorisation under this section must be given in writing.

(4) An authorisation under this section may be varied or revoked by an instrument in writing.

(5) When exercising or seeking to exercise a function of an authorised officer, a person must, if asked, produce evidence of the authorisation.

(6) In this Part—

(a) "authorised officer" means a person authorised under this section;

(b) references to an "authorised officer" in relation to a function under this Part are to a person authorised under this section in respect of that function;

(c) "relevant purpose", in relation to an authorised officer, means—

(i) investigating compliance with any requirement that the authority that authorised the officer has the function of enforcing, or

(ii) any other purpose relating to any function of that authority under this Act or regulations made under it.

103 Power to enter premises not being used as a residential unit

(1) An authorised officer may enter any premises not being used as a residential unit where—

(a) the officer considers it necessary to enter the premises for a relevant purpose, and

(b) unless the officer considers that it would frustrate the purpose—

(i) entry takes place at a reasonable time of day, and

(ii) reasonable notice is given to the occupier or to a person appearing to the officer to be in charge of the premises.

(2) An authorised officer may enter any premises not being used as a residential unit by force (if necessary) where—

(a) the officer considers that it is necessary to enter the premises for a relevant purpose, and

(b) a warrant has been issued by a justice of the peace under subsection (3).

(3) Ni chaiff ynad heddwch ddyroddi gwarant o dan yr is-adran hon ond os yw'n fodlon, ar sail gwybodaeth ysgrifenedig ar lw gan swyddog awdurdodedig—

(a) ei bod yn angenrheidiol i swyddog awdurdodedig gael mynediad at ddiben perthnasol, a

(b) bod y naill neu'r llall o'r hyn a ganlyn yn gymwys—

(i) bod mynediad wedi ei wrthod, neu'n debygol o gael ei wrthod, neu

(ii) ei bod yn briodol fel arall i'r swyddog gael ei awdurdodi i fynd i mewn drwy rym (os oes angen).

(4) O ran gwarant a ddyroddwyd o dan is-adran (3)—

(a) mae'n awdurdodi swyddog awdurdodedig i fynd i'r fangre a bennir yn y warant drwy rym (os oes angen);

(b) caiff bennu pryd, neu pa mor aml, y caiff mynediad ddigwydd.

(5) Yn yr adran hon ac adran 104, mae "uned breswyl" yn cynnwys mangre a fyddai'n uned breswyl oni bai am reoliadau a wneir o dan adran 5(6)(a).

104 Pŵer i fynd i fangre sy'n cael ei defnyddio fel uned breswyl

(1) Caiff swyddog awdurdodedig fynd i unrhyw fangre sy'n cael ei defnyddio fel uned breswyl pan fo—

(a) y swyddog yn ystyried ei bod yn angenrheidiol mynd i'r fangre at ddiben perthnasol, a

(b) gwarant yn awdurdodi mynediad wedi ei ddyroddi gan ynad heddwch o dan is-adran (2).

(2) Ni chaiff ynad heddwch ddyroddi gwarant o dan yr is-adran hon ond os yw'n fodlon, ar sail gwybodaeth ysgrifenedig ar lw gan swyddog awdurdodedig—

(a) ei bod yn angenrheidiol i swyddog awdurdodedig gael mynediad at ddiben perthnasol, a

(b) bod unrhyw un neu ragor o'r hyn a ganlyn yn gymwys—

(i) y byddai gofyn am fynediad at y diben perthnasol yn llesteirio'r diben hwnnw,

(ii) bod mynediad at y diben perthnasol wedi ei wrthod, neu'n debygol o gael ei wrthod, neu

(iii) na ellir dod o hyd i unrhyw berson a chanddo'r hawl i ganiatáu mynediad at y diben perthnasol.

(3) O ran gwarant a ddyroddwyd o dan is-adran (2)—

(a) mae'n awdurdodi swyddog awdurdodedig i fynd i'r fangre a bennir yn y warant;

(b) caiff, os yw'r ynad heddwch o'r farn ei bod yn angenrheidiol, awdurdodi swyddog awdurdodedig—

(i) i arfer swyddogaethau o dan adran 105 i'r graddau a bennir yn y warant;

(ii) i fynd i'r fangre drwy rym (os oes angen);

(c) caiff bennu pryd, neu pa mor aml, y caiff mynediad ddigwydd.

(3) A justice of the peace may issue a warrant under this subsection only if satisfied, on sworn information in writing from an authorised officer—

(a) that it is necessary for an authorised officer to gain entry for a relevant purpose, and

(b) that either of the following is the case—

(i) entry has been, or is likely to be, refused, or

(ii) it is otherwise appropriate for the officer to be authorised to enter by force (if necessary).

(4) A warrant issued under subsection (3)—

(a) authorises an authorised officer to enter premises specified in the warrant by force (if necessary);

(b) may specify when, or how often, entry may take place.

(5) In this section and section 104, "residential unit" includes premises that would be a residential unit but for regulations made under section 5(6)(a).

104 Power to enter premises being used as a residential unit

(1) An authorised officer may enter any premises being used as a residential unit where—

(a) the officer considers that it is necessary to enter the premises for a relevant purpose, and

(b) a warrant authorising entry has been issued by a justice of the peace under subsection (2).

(2) A justice of the peace may issue a warrant under this subsection only if satisfied, on sworn information in writing from an authorised officer—

(a) that it is necessary for an authorised officer to gain entry for a relevant purpose, and

(b) that any of the following is the case—

(i) requesting entry for the relevant purpose would frustrate that purpose,

(ii) entry for the relevant purpose has been, or is likely to be, refused, or

(iii) no person entitled to grant entry for the relevant purpose can be found.

(3) A warrant issued under subsection (2)—

(a) authorises an authorised officer to enter premises specified in the warrant;

(b) may, if the justice of the peace considers it necessary, authorise an authorised officer—

(i) to exercise functions under section 105 to the extent specified in the warrant;

(ii) to enter the premises by force (if necessary);

(c) may specify when, or how often, entry may take place.

105 Pwerau mynediad: atodol

(1) Mae'r adran hon yn gymwys—

(a) pan fo swyddog awdurdodedig yn arfer pŵer mynediad o dan adran 103(1) neu (2);

(b) pan fo swyddog awdurdodedig yn arfer pŵer mynediad o dan adran 104(1), i'r graddau a bennir yn y warant sy'n awdurdodi mynediad o dan yr is-adran honno.

(2) Caiff y swyddog awdurdodedig, at ddiben perthnasol—

(a) dod ag unrhyw berson neu beth gydag ef sy'n ofynnol at y diben;

(b) bod yng nghwmni cwnstabl os oes gan y swyddog achos rhesymol i ddisgwyl unrhyw rwystr wrth arfer y pŵer mynediad;

(c) chwilio'r fangre;

(d) archwilio, mesur neu brofi unrhyw beth sydd ar y fangre;

(e) ei gwneud yn ofynnol i unrhyw berson ddarparu i'r swyddog awdurdodedig y cyfryw wybodaeth, cyfleusterau a chymorth y mae eu hangen yn rhesymol ar y swyddog;

(f) cymryd sampl o unrhyw beth;

(g) tynnu ffotograffau neu gymryd copïau o unrhyw beth, neu wneud recordiadau;

(h) ymafael yn unrhyw beth os yw'n ymddangos i'r swyddog—

(i) bod y peth yn dystiolaeth o drosedd o dan y Ddeddf hon, a

(ii) ei bod yn angenrheidiol ymafael ynddo er mwyn atal y dystiolaeth rhag cael ei chuddio, ei cholli, ei newid neu ei dinistrio.

(3) O ran pŵer swyddog awdurdodedig o dan is-adran (2)(c) i (h)—

(a) caiff ei arfer gan berson y mae'r swyddog awdurdodedig yn mynd ag ef i'r fangre os yw'r person o dan oruchwyliaeth y swyddog;

(b) ni chaniateir ei arfer mewn perthynas ag unrhyw wybodaeth neu ddogfen y gellid cynnal hawliad am fraint broffesiynol gyfreithiol mewn cysylltiad â hwy mewn achos cyfreithiol.

106 Swyddogion awdurdodedig: troseddau

(1) Mae person yn cyflawni trosedd os yw'r person, gyda'r bwriad o dwyllo, yn dynwared swyddog awdurdodedig.

(2) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored ar euogfarn ddiannod i ddirwy.

(3) Mae person yn cyflawni trosedd os yw'r person yn rhwystro'n fwriadol swyddog awdurdodedig sy'n arfer, neu'n ceisio arfer, unrhyw swyddogaeth o dan y Rhan hon.

(4) Mae person sy'n euog o drosedd o dan is-adran (3) yn agored ar euogfarn ddiannod i ddirwy.

105 Powers of entry: supplementary

(1) This section applies—

(a) where an authorised officer exercises a power of entry under section 103(1) or (2);

(b) where an authorised officer exercises a power of entry under section 104(1), to the extent specified in the warrant authorising entry under that subsection.

(2) The authorised officer may, for a relevant purpose—

(a) bring with them any person or thing required for the purpose;

(b) be accompanied by a constable if the officer has reasonable cause to expect any obstruction in exercising the power of entry;

(c) search the premises;

(d) examine, measure or test anything on the premises;

(e) require any person to provide the authorised officer with such information, facilities and assistance as the officer reasonably requires;

(f) take a sample of anything;

(g) take photographs or copies of anything, or make recordings;

(h) seize anything if it appears to the officer—

(i) that the thing is evidence of an offence under this Act, and

(ii) that it is necessary to seize it to prevent the evidence being concealed, lost, altered or destroyed.

(3) A power of an authorised officer under subsection (2)(c) to (h)—

(a) may be exercised by a person taken onto the premises by the authorised officer if the person is under the supervision of the officer;

(b) may not be exercised in relation to any information or document in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

106 Authorised officers: offences

(1) A person commits an offence if, with intent to deceive, the person impersonates an authorised officer.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine.

(3) A person commits an offence if the person intentionally obstructs an authorised officer exercising, or seeking to exercise, any function under this Part.

(4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine.

Troseddau

107 Toriad sy'n arwain at risg o farwolaeth neu anaf difrifol

(1) Mae person atebol ar gyfer adeilad rheoleiddiedig, neu berson sy'n cael ei drin fel person atebol yn rhinwedd adran 36, yn cyflawni trosedd—

(a) os yw'r person yn torri gofyniad a osodir ar y person gan y Ddeddf hon neu reoliadau a wneir oddi tano, a

(b) os yw'r toriad yn gosod un neu ragor o bobl yn yr adeilad neu o'i amgylch mewn risg sylweddol o farwolaeth neu anaf difrifol sy'n deillio o risg diogelwch adeilad (o fewn yr ystyr a roddir gan adran 28).

(2) Mae person sy'n ddeiliad dyletswydd ar gyfer tŷ amlfeddiannaeth perthnasol yn cyflawni trosedd—

(a) os yw'r person yn torri gofyniad a osodir ar y person gan y Ddeddf hon neu reoliadau a wneir oddi tani, a

(b) os yw'r toriad yn gosod un neu ragor o bobl yn y tŷ amlfeddiannaeth perthnasol neu o'i amgylch mewn risg sylweddol o farwolaeth neu anaf difrifol sy'n deillio o risg diogelwch tân.

(3) Nid yw is-adrannau (1) na (2) yn gymwys i unrhyw beth sy'n drosedd o dan unrhyw ddarpariaeth arall yn y Ddeddf hon sy'n ddarostyngedig i'r un gosb â throsedd o dan is-adran (1) neu (2).

(4) Mae person sy'n euog o drosedd o dan is-adran (1) neu (2) yn agored—

(a) ar euogfarn ddiannod, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na'r terfyn cymwys o dan adran 224(1A)(b) o'r Cod Dedfrydu, neu'r ddau;

(b) ar euogfarn ar dditiad, i ddirwy neu i'w garcharu am gyfnod nad yw'n yn hwy na 2 flynedd, neu'r ddau.

(5) Mae person sydd wedi ei euogfarnu o drosedd o dan is-adran (1) neu (2) yn cyflawni trosedd bellach os yw'r person yn parhau i dorri'r gofyniad o dan sylw.

(6) Mae person sy'n euog o drosedd o dan is-adran (5) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 1 ar y raddfa safonol ar gyfer pob diwrnod y mae'r toriad yn parhau.

(7) Mae'n amddiffyniad i berson a gyhuddir o drosedd o dan yr adran hon brofi bod y person wedi cymryd pob cam rhesymol i osgoi cyflawni'r drosedd.

108 Gwybodaeth anwir a chamarweiniol

(1) Mae person y mae'n ofynnol iddo gan unrhyw ddarpariaeth yn y Ddeddf hon neu reoliadau a wneir oddi tani gofnodi neu gadw unrhyw wybodaeth yn cyflawni trosedd os yw'r person yn cynnwys yn yr wybodaeth honno unrhyw wybodaeth y mae'r person yn gwybod ei bod yn anwir mewn ffordd berthnasol.

(2) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored ar euogfarn ddiannod, neu ar euogfarn ar dditiad, i ddirwy.

Offences

107 Contravention giving rise to risk of death or serious injury

(1) An accountable person for a regulated building, or a person treated as an accountable person by virtue of section 36, commits an offence if—

(a) the person contravenes a requirement imposed on the person by this Act or regulations made under it, and

(b) the contravention places one or more people in or about the building at a significant risk of death or serious injury arising from a building safety risk (within the meaning given by section 28).

(2) A person who is a duty holder for a relevant HMO commits an offence if—

(a) the person contravenes a requirement imposed on the person by this Act or regulations made under it, and

(b) the contravention places one or more people in or about the relevant HMO at a significant risk of death or serious injury arising from a fire safety risk.

(3) Subsections (1) and (2) do not apply to anything that constitutes an offence under any other provision of this Act that is subject to the same punishment as an offence under subsection (1) or (2).

(4) A person guilty of an offence under subsection (1) or (2) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

(5) A person who has been convicted of an offence under subsection (1) or (2) commits a further offence if the person continues to contravene the requirement in question.

(6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 1 on the standard scale for each day on which the contravention continues.

(7) It is a defence for a person charged with an offence under this section to prove that the person took all reasonable steps to avoid committing the offence.

108 False and misleading information

(1) A person who is required by any provision of this Act or regulations made under it to record or keep any information commits an offence if the person includes in that information any information that the person knows to be false in a material respect.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction, or on conviction on indictment, to a fine.

(3) Mae person yn cyflawni trosedd—

(a) os yw'r person yn rhoi gwybodaeth anwir neu gamarweiniol o dan unrhyw un neu ragor o'r amgylchiadau a grybwyllir yn is-adran (4), a

(b) os yw'r person naill ai—

(i) yn gwybod bod yr wybodaeth yn anwir neu'n gamarweiniol, neu

(ii) yn ddi-hid ynghylch pa un a yw'n anwir neu'n gamarweiniol.

(4) Yr amgylchiadau yw bod y person—

(a) yn rhoi'r wybodaeth i awdurdod diogelwch adeiladau, awdurdod diogelwch tân neu unrhyw berson arall gan honni ei fod yn cydymffurfio â gofyniad a osodir gan neu o dan y Ddeddf hon neu reoliadau a wneir oddi tani;

(b) yn rhoi'r wybodaeth i awdurdod diogelwch adeiladau mewn, neu mewn cysylltiad â—

(i) cais i'r awdurdod o dan unrhyw ddarpariaeth yn y Ddeddf hon neu reoliadau a wneir oddi tani, neu

(ii) cais am adolygiad o benderfyniad adolygadwy o dan adran 64;

(c) yn rhoi'r wybodaeth i awdurdod gorfodi neu swyddog awdurdodedig at ddiben osgoi camau gorfodi rhag cael eu cymryd neu eu parhau gan y naill neu'r llall ohonynt.

(5) Yn is-adran (4)(c), ystyr "camau gorfodi" yw—

(a) unrhyw gam a gymerir gyda'r golwg o wneud yr hyn a ganlyn neu sydd mewn cysylltiad â gwneud yr hyn a ganlyn—

(i) sicrhau cydymffurfiaeth â gofyniad a osodir gan neu o dan y Ddeddf hon neu reoliadau a wneir oddi tani, neu

(ii) gosod sancsiwn mewn cysylltiad â thorri gofyniad o'r fath;

(b) camau sy'n cynnwys rhoi hysbysiad gwahardd, neu mewn cysylltiad â rhoi hysbysiad o'r fath.

(6) Mae person sy'n euog o drosedd o dan is-adran (3) yn agored—

(a) ar euogfarn ddiannod, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na'r terfyn cymwys o dan adran 224(1A)(b) o'r Cod Dedfrydu, neu'r ddau;

(b) ar euogfarn ar dditiad, i ddirwy neu i'w garcharu am gyfnod nad yw'n yn hwy na 2 flynedd, neu'r ddau.

Mesurau arbennig mewn perthynas ag adeiladau categori 1

109 Penodi rheolwr mesurau arbennig ar gyfer adeilad categori 1

(1) Caiff tribiwnlys eiddo preswyl, ar gais gan yr awdurdod diogelwch adeiladau neu'r awdurdod diogelwch tân ar gyfer adeilad categori 1 a feddiennir, wneud gorchymyn mesurau arbennig mewn perthynas â'r adeilad.

(2) Mae gorchymyn mesurau arbennig yn orchymyn sy'n penodi person i fod yn rheolwr mesurau arbennig ar gyfer yr adeilad i gyflawni swyddogaethau diogelwch adeiladau—

(a) y person atebol ar gyfer yr adeilad, os oes un person atebol, neu

(3) A person commits an offence if—

(a) the person gives false or misleading information in any of the circumstances mentioned in subsection (4), and

(b) the person either—

(i) knows that the information is false or misleading, or

(ii) is reckless as to whether it is false or misleading.

(4) The circumstances are that the person—

(a) gives the information to a building safety authority, a fire safety authority or any other person in purported compliance with a requirement imposed by or under this Act or regulations made under it;

(b) gives the information to a building safety authority in or in connection with—

(i) an application to the authority under any provision of this Act or regulations made under it, or

(ii) a request for a review of a reviewable decision under section 64;

(c) gives the information to an enforcing authority or an authorised officer for the purpose of avoiding enforcement action being taken or continued by either of them.

(5) In subsection (4)(c) "enforcement action" means—

(a) action taken with a view to, or in connection with—

(i) securing compliance with a requirement imposed by or under this Act or regulations made under it, or

(ii) the imposition of a sanction in respect of a contravention of such a requirement;

(b) action consisting of, or in connection with, the giving of a prohibition notice.

(6) A person guilty of an offence under subsection (3) is liable—

(a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

Special measures in relation to category 1 buildings

109 Appointment of special measures manager for category 1 building

(1) A residential property tribunal may, on an application by the building safety authority or fire safety authority for an occupied category 1 building, make a special measures order in relation to the building.

(2) A special measures order is an order appointing a person to be a special measures manager for the building to carry out the building safety functions of—

(a) the accountable person for the building, if there is one accountable person, or

(b) un neu ragor o bersonau atebol ar gyfer yr adeilad a bennir yn y gorchymyn, os oes mwy nag un person atebol.

(3) Caiff y gorchymyn hefyd benodi'r rheolwr mesurau arbennig i gyflawni unrhyw swyddogaeth fel derbynnydd mewn perthynas ag incwm diogelwch adeilad cyfunddaliadol sy'n berthnasol i'r adeilad.

(4) Ni chaiff tribiwnlys eiddo preswyl wneud gorchymyn mesurau arbennig ond os yw'n fodlon—

(a) y bu pob person atebol y mae'r gorchymyn yn gymwys i'w swyddogaethau diogelwch adeiladau yn euog o—

(i) methiant difrifol i gydymffurfio â dyletswydd a osodir gan y Ddeddf hon neu reoliadau a wneir oddi tani, neu

(ii) methiant i gydymffurfio â dyletswydd o'r fath ar ddau achlysur neu ragor,

(b) nad oes gorchymyn mesurau arbennig eisoes wedi ei wneud mewn perthynas â'r adeilad (oni bai bod unrhyw orchymyn a wnaed wedi ei ddirymu), ac

(c) bod y person sydd i'w benodi fel y rheolwr mesurau arbennig yn unigolyn neu'n gorff sy'n meddu ar arbenigedd neu brofiad digonol i gyflawni'r swyddogaethau a roddir gan y gorchymyn.

(5) Caiff Gweinidogion Cymru, drwy reoliadau, bennu gofynion y mae rhaid i unigolyn neu gorff eu bodloni er mwyn ystyried eu bod yn meddu ar arbenigedd neu brofiad digonol at y diben hwnnw (gan gynnwys gofynion ar gyfer cymwysterau penodol neu ar gyfer achrediad gan sefydliad penodol, neu aelodaeth o sefydliad o'r fath).

(6) Rhaid i orchymyn mesurau arbennig wneud darpariaeth ynghylch y trefniadau ar gyfer ariannu arfer swyddogaethau'r rheolwr mesurau arbennig.

(7) Caiff y ddarpariaeth honno gynnwys darpariaeth ar gyfer person atebol y mae'r gorchymyn yn gymwys i'w swyddogaethau diogelwch adeiladau i wneud taliadau i'r rheolwr mesurau arbennig mewn cysylltiad â chostau yr aed iddynt, neu yr eir iddynt, gan y rheolwr mewn cysylltiad ag arfer swyddogaethau'r rheolwr.

(8) Ni chaiff gorchymyn mesurau arbennig wneud darpariaeth o dan is-adran (6) mewn perthynas ag adeilad sydd ar dir cyfunddaliad (o fewn yr ystyr a roddir i "commonhold land" gan adran 1 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 (p. 15)).

(9) Caiff gorchymyn mesurau arbennig ddarparu ar gyfer—

(a) unrhyw fater arall sy'n ymwneud ag arfer swyddogaethau'r rheolwr mesurau arbennig;

(b) unrhyw fater deilliadol neu ategol.

(10) Yn Atodlen 2—

(a) mae Rhan 1 yn gwneud darpariaeth ynghylch y weithdrefn sydd i'w dilyn gan awdurdod diogelwch adeiladau neu awdurdod diogelwch tân cyn iddo wneud cais am orchymyn mesurau arbennig;

(b) mae Rhan 2 yn gwneud darpariaeth bellach ynghylch effaith a gweithrediad gorchymyn mesurau arbennig;

(c) mae Rhan 3 yn darparu ar gyfer adolygu, amrywio a dirymu gorchymyn mesurau arbennig;

(b) one or more accountable persons for the building that are specified in the order, if there is more than one accountable person.

(3) The order may also appoint the special measures manager to carry out any function as a receiver in relation to commonhold building safety income relating to the building.

(4) A residential property tribunal may make a special measures order only if it is satisfied that—

(a) each accountable person to whose building safety functions the order is to apply has been guilty of—

(i) a serious failure to comply with a duty imposed by this Act or regulations made under it, or

(ii) a failure to comply with such a duty on two or more occasions,

(b) a special measures order has not already been made in relation to the building (unless any order that has been made has been revoked), and

(c) the person to be appointed as the special measures manager is an individual or body having sufficient expertise or experience to carry out the functions conferred by the order.

(5) The Welsh Ministers may by regulations specify requirements that an individual or body must satisfy to be regarded as having sufficient expertise or experience for that purpose (including requirements for particular qualifications or for accreditation by, or membership of, a particular organisation).

(6) A special measures order must make provision about the arrangements for funding the exercise of the functions of the special measures manager.

(7) That provision may include provision for an accountable person to whose building safety functions the order applies to make payments to the special measures manager in connection with costs incurred, or to be incurred, by the manager in connection with the exercise of the manager's functions.

(8) A special measures order may not make provision under subsection (6) in relation to a building that is on commonhold land (within the meaning given by section 1 of the Commonhold and Leasehold Reform Act 2002 (c. 15)).

(9) A special measures order may provide for—

(a) any other matter relating to the exercise of the functions of the special measures manager;

(b) any incidental or ancillary matter.

(10) In Schedule 2—

(a) Part 1 makes provision about the procedure to be followed by a building safety authority or fire safety authority before it applies for a special measures order;

(b) Part 2 makes further provision about the effect and implementation of a special measures order;

(c) Part 3 provides for the review, variation and revocation of a special measures order;

(d) mae Rhan 4 yn cynnwys darpariaethau atodol am orchmynion mesurau arbennig.

(11) Yn yr adran hon a'r Atodlen honno—

ystyr "incwm diogelwch adeilad cyfunddaliadol" ("*commonhold building safety income*") yw incwm a godir oddi wrth ddeiliaid unedau cyfunddaliadol yn rhinwedd darpariaeth a wneir gan ddatganiad cymunedol cyfunddaliad o dan adran 38A o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002;

ystyr "swyddogaeth diogelwch adeiladau" ("*building safety function*"), mewn perthynas â pherson atebol, yw swyddogaeth y person o dan y Ddeddf hon neu reoliadau a wneir oddi tani.

Pŵer awdurdod diogelwch adeiladau i roi hysbysiadau cosb benodedig

110 Pŵer awdurdod diogelwch adeiladau i roi hysbysiadau cosb benodedig

(1) Caiff yr awdurdod diogelwch adeiladau ar gyfer adeilad categori 1 neu adeilad categori 2 roi hysbysiad cosb benodedig i'r prif berson atebol ar gyfer yr adeilad os yw'r awdurdod yn ystyried bod y person wedi cyflawni trosedd o dan—

(a) adran 19(1) (methiant i gofrestru adeilad rheoleiddiedig);

(b) adran 24(8) (methiant i roi declarasiwn perthnasol i'r awdurdod diogelwch adeiladau).

(2) Caiff yr awdurdod diogelwch adeiladau ar gyfer adeilad categori 1 y mae adran 42 yn gymwys iddo roi hysbysiad cosb benodedig i'r prif berson atebol ar gyfer yr adeilad os yw'r awdurdod yn ystyried bod y person wedi cyflawni trosedd o dan—

(a) adran 42(5) (methiant i wneud cais am dystysgrif adeilad);

(b) adran 45(5) (methiant i arddangos tystysgrif adeilad a gwybodaeth gysylltiedig).

(3) Mae hysbysiad cosb benodedig yn hysbysiad sy'n cynnig y cyfle i'r person ryddhau unrhyw atebolrwydd am euogfarn am y drosedd y mae'r hysbysiad yn ymwneud â hi drwy dalu i'r awdurdod diogelwch adeiladau swm a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.

(4) Pan roddir hysbysiad cosb benodedig i berson, ni chaniateir dwyn achos am y drosedd y mae'r hysbysiad yn ymwneud â hi cyn diwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau â'r diwrnod drannoeth y diwrnod y rhoddir yr hysbysiad i'r person.

(5) Caiff rheoliadau o dan is-adran (3) ddarparu i swm gostyngedig fod yn daladwy o fewn y cyfnod o 21 o ddiwrnodau sy'n dechrau â'r diwrnod drannoeth y diwrnod y rhoddir yr hysbysiad i'r person.

(6) Pan fo person yn gwneud taliad yn unol â thelerau hysbysiad cosb benodedig, ni chaniateir dwyn achos am y drosedd y mae'r hysbysiad yn ymwneud â hi.

(7) Rhaid i hysbysiad cosb benodedig nodi—

(a) enw a chyfeiriad yr awdurdod diogelwch adeiladau;

(b) y drosedd honedig a rhoi manylion am yr amgylchiadau yr honnir eu bod yn ffurfio'r drosedd;

(d) Part 4 contains supplementary provisions about special measures orders.

(11) In this section and that Schedule—

"building safety function" ("*swyddogaeth diogelwch adeiladau*"), in relation to an accountable person, means a function of the person under this Act or regulations made under it;

"commonhold building safety income" ("*incwm diogelwch adeilad cyfunddaliadol*") means income raised from commonhold unit-holders by virtue of provision made by a commonhold community statement under section 38A of the Commonhold and Leasehold Reform Act 2002.

Power of building safety authority to give fixed penalty notices

110 Power of building safety authority to give fixed penalty notices

(1) The building safety authority for a category 1 building or a category 2 building may give a fixed penalty notice to the principal accountable person for the building if the authority considers that the person has committed an offence under—

(a) section 19(1) (failure to register a regulated building);

(b) section 24(8) (failure to give the building safety authority a relevant declaration).

(2) The building safety authority for a category 1 building to which section 42 applies may give a fixed penalty notice to the principal accountable person for the building if the authority considers that the person has committed an offence under—

(a) section 42(5) (failure to apply for a building certificate);

(b) section 45(5) (failure to display building certificate and related information).

(3) A fixed penalty notice is a notice offering the person the opportunity to discharge any liability to conviction for the offence to which the notice relates by paying the building safety authority an amount specified in regulations made by the Welsh Ministers.

(4) Where a fixed penalty notice is given to a person, no proceedings for the offence to which the notice relates may be brought before the end of the period of 28 days beginning with the day after the day on which the person is given the notice.

(5) Regulations under subsection (3) may provide for a reduced amount to be payable within the period of 21 days beginning with the day after the day on which the person is given the notice.

(6) Where a person makes payment in accordance with the terms of a fixed penalty notice, no proceedings for the offence to which the notice relates may be brought.

(7) A fixed penalty notice must state—

(a) the name and address of the building safety authority;

(b) the alleged offence and give particulars of the circumstances alleged to constitute it;

(c) bod yr hysbysiad yn cynnig i'r derbynnydd y cyfle i ryddhau atebolrwydd am drosedd heb erlyniad, ond y caiff y person ddewis yn hytrach na hynny i arfer ei hawl i sefyll prawf am y drosedd honedig (a sut y caniateir arfer yr hawl hwnnw);

(d) swm y gosb a'r cyfnod ar gyfer talu'r gosb (gan gynnwys swm unrhyw gosb ostyngedig a'r cyfnod ar gyfer talu'r gosb ostyngedig);

(e) canlyniadau peidio â thalu'r gosb cyn diwedd y cyfnod ar gyfer talu'r gosb;

(f) sut y caniateir talu'r gosb neu'r gosb ostyngedig;

(g) sut y caniateir gwneud unrhyw sylwadau yn ymwneud â'r hysbysiad.

(8) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch tynnu hysbysiadau cosb benodedig yn ôl, gan gynnwys—

(a) yr amgylchiadau y gellir tynnu hysbysiad yn ôl ynddynt;

(b) ad-dalu unrhyw swm a dalwyd cyn tynnu hysbysiad yn ôl;

(c) yr amgylchiadau na chaniateir dwyn achos am drosedd er gwaethaf bod yr hysbysiad wedi ei dynnu yn ôl.

(9) Ni chaiff rheoliadau o dan is-adran (3) wneud darpariaeth i'r swm sy'n daladwy o dan hysbysiad fod yn fwy na phedair gwaith lefel 4 ar y raddfa safonol.

(10) Ni chaniateir defnyddio taliadau a geir gan awdurdod yn rhinwedd yr adran hon ond ar gyfer y dibenion a ganlyn—

(a) swyddogaethau'r awdurdod sy'n ymwneud â gorfodi'r Ddeddf hon a rheoliadau a wneir oddi tani;

(b) swyddogaethau eraill yr awdurdod fel y cânt eu pennu mewn rheoliadau.

Cymhwyso i'r Goron

111 Cymhwyso'r Rhan hon i'r Goron

(1) Ni chaniateir rhoi hysbysiad gwybodaeth na hysbysiad cydymffurfio i'r Goron.

(2) O ran hysbysiad gwahardd—

(a) ni chaniateir ei roi i—

(i) y Goron;

(ii) unrhyw berson arall mewn perthynas â mangreoedd y Goron;

(b) nid yw'n rhwymo'r Goron.

(3) Nid yw adrannau 103 i 105 (pwerau mynediad) yn gymwys mewn perthynas â mangreoedd y Goron.

(4) Ni chaiff gorchymyn mesurau arbennig benodi rheolwr mesurau arbennig i gyflawni unrhyw un neu ragor o swyddogaethau'r Goron fel person atebol.

(c) that the notice offers the recipient the opportunity to discharge liability for a criminal offence without prosecution, but that the person may instead choose to exercise their right to be tried for the alleged offence (and how that right may be exercised);

(d) the amount of the penalty and the period for paying the penalty (including the amount of any reduced penalty and the period for paying the reduced penalty);

(e) the consequences of not paying the penalty before the end of the period for paying the penalty;

(f) how the penalty or reduced penalty may be paid;

(g) how any representations relating to the notice may be made.

(8) The Welsh Ministers may by regulations make provision about the withdrawal of fixed penalty notices, including—

(a) the circumstances in which a notice can be withdrawn;

(b) the repayment of any sum paid before a notice is withdrawn;

(c) the circumstances in which proceedings for an offence may not be brought despite the withdrawal of a notice.

(9) Regulations under subsection (3) may not make provision for the amount payable under a notice to exceed four times level 4 on the standard scale.

(10) Payments received by an authority by virtue of this section may only be used for the purpose of—

(a) the authority's functions relating to the enforcement of this Act and regulations made under it;

(b) such other functions of the authority as may be specified in regulations.

Crown application

111 Application of this Part to the Crown

(1) An information notice or compliance notice may not be given to the Crown.

(2) A prohibition notice—

(a) may not be given to—

(i) the Crown;

(ii) any other person in relation to Crown premises;

(b) does not bind the Crown.

(3) Sections 103 to 105 (powers of entry) do not apply in relation to Crown premises.

(4) A special measures order may not appoint a special measures manager to carry out any functions of the Crown as an accountable person.

RHAN 4

CYWEIRIO DIFFYGION PENODOL

112 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 Thenant 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 ryddfreinio 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 rydd-ddaliadol yn yr adeilad (o fewn yr ystyr a roddir gan y rheoliadau).

113 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.

PART 4

REMEDIATION OF CERTAIN DEFECTS

112 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).

113 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) 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 ymgymerwyd neu a gomisiynwyd gan neu ar ran landlord neu gwmni rheoli, os cwblhawyd y gwaith yn y cyfnod perthnasol;

(c) gwaith a ymgymerwyd 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.

114 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;

(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).

114 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;

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 ecwitïol 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.

115 Gorchmynion cyfraniadau cyweirio

(1) Rhaid i Weinidogion Cymru, drwy reoliadau—

(a) darparu y caiff tribiwnlys eiddo preswyl wneud gorchymyn cyfraniadau cyweirio ar gais person a chanddo fuddiant;

(b) gwneud darpariaeth bellach mewn cysylltiad â gorchmynion cyfraniadau cyweirio.

(2) Gorchymyn cyfraniadau cyweirio yw gorchymyn 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 gorchymyn 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 ymgymerodd 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;

"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.

115 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—

(a) of specified amounts or in relation to specified things, or both;

(b) 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—

(a) the Welsh Ministers;

(b) the building safety authority for the building;

(c) the fire safety authority for the building;

(d) a person with a legal or equitable interest in the building or any part of it;

(e) any other person specified, or of a description specified, in regulations made by the Welsh Ministers;

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 ecwitïol 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 112(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.

116 Costau cyweirio o dan lesoedd 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 115), 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;

"partnership" ("*partneriaeth*") means—

(a) a partnership within the meaning of the Partnership Act 1890, or

(b) 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) a landlord under a lease of the relevant building or any part of it,

(b) a person who was such a landlord at the beginning of 20 February 2026,

(c) a developer in relation to the relevant building, or

(d) a person associated with a person within any of paragraphs (a) to (c).

(6) The Welsh Ministers may by regulations—

(a) make provision about costs that are, or are not, to be regarded as remediation costs;

(b) make provision about the circumstances in which a partnership or body corporate is associated with another person;

(c) provide that this section applies, with or without modifications, in relation to a building that would, but for section 112(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.

116 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 115), 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) 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 nheitl landlord o dan y les neu olynydd yn nheitl 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;

(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;

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 Thenant 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).

117 Ystyr "les gymhwysol"

(1) At ddibenion adran 116, 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, yroedd 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) nid oedd y tenant yn berchen ar unrhyw annedd arall yn y Deyrnas Unedig, neu

(iii) yr oedd 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 lesoedd y mae is-adran (1)(b) ac (c) yn gymwys iddynt, nid yw unrhyw un o'r lesoedd hynny sy'n rhagori ar unrhyw un neu ragor o'r lesoedd 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.

"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.

117 Meaning of "qualifying lease"

(1) For the purposes of section 116, 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) At ddibenion yr adran hon—

(a) ystyr "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 ailfynediad, 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 Thenant 1985 (p. 70).

118 Adroddiadau ar gynnydd o dan raglen diogelwch adeiladau Cymru

(1) Rhaid i Weinidogion Cymru lunio adroddiad cynnydd ar gyweirio ar gyfer pob cyfnod adrodd.

(2) Mae "adroddiad cynnydd ar gyweirio" yn adroddiad sy'n crynhoi asesiad Gweinidogion Cymru o gynnydd yn ystod y cyfnod adrodd o ran gwneud—

(a) gwaith sy'n ofynnol gan gontractau cyweirio gan ddatblygwr;

(b) gwaith sy'n cael ei ariannu gan grantiau a wneir gan Weinidogion Cymru o dan gynlluniau a elwir yn Gronfa Diogelwch Adeiladau Cymru.

(3) Rhaid i Weinidogion Cymru, cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd pob cyfnod adrodd—

(a) cyhoeddi'r adroddiad cynnydd ar gyweirio ar gyfer y cyfnod adrodd, a

(b) ei osod gerbron Senedd Cymru.

(4) Yn yr adran hon—

ystyr "contract cyweirio gan ddatblygwr" ("*developer remediation contract*") yw contract rhwng Gweinidogion Cymru a datblygwr cyfranogol a wneir drwy weithred contract dwyochrog sy'n ymwneud â hunangyweirio gan ddatblygwr er mwyn darparu adeiladau preswyl ac adeiladau defnydd cymysg diogel gydag uchder o 11 o fetrau ac uwch;

ystyr "cyfnod adrodd" ("*reporting period*") yw—

(a) y cyfnod o 1 flwyddyn sy'n dechrau â'r diwrnod y daw'r Rhan hon i rym, a

(b) pob cyfnod dilynol o 1 flwyddyn, sy'n dod i ben â'r cyfnod cyntaf—

(i) y mae'r holl waith sy'n ofynnol gan gontractau cyweirio gan ddatblygwr wedi ei gwblhau ac nad yw Gweinidogion Cymru yn disgwyl i unrhyw ddatblygwyr eraill ymrwymo i gontractau cyweirio gan ddatblygwr, a

(ii) y mae'r holl waith a ariannwyd gan grantiau o Gronfa Diogelwch Adeiladau Cymru wedi ei gwblhau ac nad yw'r gronfa yn derbyn ceisiadau newydd mwyach.

(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).

118 Reports on progress under the Welsh building safety programme

(1) The Welsh Ministers must prepare a remediation progress report for each reporting period.

(2) A "remediation progress report" is a report summarising the Welsh Ministers' assessment of progress during the reporting period in carrying out—

(a) works required by developer remediation contracts;

(b) works funded by grants made by the Welsh Ministers under schemes known as the Welsh Building Safety Fund.

(3) The Welsh Ministers must, as soon as reasonably practicable after the end of each reporting period—

(a) publish the remediation progress report for the reporting period, and

(b) lay it before Senedd Cymru.

(4) In this section—

"developer remediation contract" ("*contract cyweirio gan ddatblygwr*") means a contract between the Welsh Ministers and a participant developer made by a deed of bilateral contract relating to developer self-remediation to deliver safe residential and mixed-use buildings of 11 metres and over in height;

"reporting period" ("*cyfnod adrodd*") means—

(a) the period of 1 year beginning with the day on which this Part comes into force, and

(b) each successive period of 1 year, ending with the first period in which—

(i) all works required by developer remediation contracts have been completed and the Welsh Ministers do not expect any more developers to enter into developer remediation contracts, and

(ii) all works funded by grants from the Welsh Building Safety Fund have been completed and the fund no longer accepts new applications.

RHAN 5

ATODOL A CHYFFREDINOL

Hyrwyddo cyfranogiad mewn perthynas ag arfer swyddogaethau Gweinidogion Cymru etc.

119 Strategaeth Gweinidogion Cymru ar gyfer hyrwyddo cyfranogiad mewn perthynas ag arfer eu swyddogaethau etc.

(1) Rhaid i Weinidogion Cymru lunio strategaeth ar gyfer hyrwyddo cyfranogiad personau perthnasol mewn perthynas ag arfer, gan Weinidogion Cymru, eu swyddogaethau o dan y Ddeddf hon neu reoliadau a wneir oddi tani.

(2) Rhaid i Weinidogion Cymru gyhoeddi'r strategaeth a'i chadw o dan adolygiad.

(3) Rhaid i'r strategaeth gynnwys gwybodaeth am—

(a) y materion (gan gynnwys unrhyw reoliadau neu ganllawiau arfaethedig) y mae Gweinidogion Cymru yn cynnig ymgynghori â phersonau perthnasol yn eu cylch,

(b) sut y mae Gweinidogion Cymru yn cynnig cynnal ymgynghoriadau, ac

(c) enwau unrhyw bersonau sy'n cynrychioli buddiannau personau perthnasol, y mae Gweinidogion Cymru yn cynnig eu gwahodd i gymryd rhan mewn ymgynghoriadau.

(4) Caiff y strategaeth gynnwys gwybodaeth am—

(a) ffyrdd eraill y caiff Gweinidogion Cymru hyrwyddo cyfranogiad personau perthnasol mewn perthynas ag arfer, gan Weinidogion Cymru, eu swyddogaethau o dan y Ddeddf hon neu reoliadau a wneir oddi tani;

(b) cyfranogiad gan bersonau perthnasol mewn perthynas â materion eraill sy'n ymwneud â'r Ddeddf hon neu reoliadau a wneir oddi tani.

(5) Caiff Gweinidogion Cymru ddiwygio'r strategaeth os ydynt yn ystyried ei bod yn briodol gwneud hynny.

(6) Wrth benderfynu pa un ai i ddiwygio'r strategaeth, rhaid i Weinidogion Cymru roi sylw i unrhyw sylwadau a ddaeth i law ynghylch cynnwys y strategaeth.

(7) Yn yr adran hon ystyr "personau perthnasol" yw—

(a) preswylwyr adeiladau rheoleiddiedig sy'n 18 oed neu'n hŷn,

(b) perchnogion unedau preswyl mewn adeiladau rheoleiddiedig, ac

(c) meddianwyr tai amlfeddiannaeth perthnasol sy'n 18 oed neu'n hŷn.

Canllawiau a chydweithredu

120 Dyroddi neu gymeradwyo canllawiau gan Weinidogion Cymru

(1) Rhaid i Weinidogion Cymru ddyroddi neu gymeradwyo canllawiau o'r fath y maent yn ystyried eu bod yn briodol i gynorthwyo unrhyw bersonau i gydymffurfio â dyletswyddau a osodir arnynt gan y Ddeddf hon neu reoliadau a wneir oddi tani.

(2) Rhaid i Weinidogion Cymru sicrhau bod canllawiau a ddyroddir neu a gymeradwyir ganddynt o dan yr adran hon yn cynnwys—

PART 5

SUPPLEMENTARY AND GENERAL

Promotion of participation in relation to the exercise of Welsh Ministers' functions etc.

119 Welsh Ministers' strategy for promoting participation in relation to the exercise of their functions etc.

(1) The Welsh Ministers must prepare a strategy for promoting the participation of relevant persons in relation to the exercise by the Welsh Ministers of their functions under this Act or regulations made under it.

(2) The Welsh Ministers must publish the strategy and keep it under review.

(3) The strategy must include information about—

(a) the matters (including any proposed regulations or guidance) on which the Welsh Ministers propose to consult relevant persons,

(b) how the Welsh Ministers propose to carry out consultations, and

(c) the names of any persons representing the interests of relevant persons, that the Welsh Ministers propose to invite to participate in consultations.

(4) The strategy may include information about—

(a) other ways in which the Welsh Ministers may promote the participation of relevant persons in relation to the exercise by the Welsh Ministers of their functions under this Act or regulations made under it;

(b) the participation by relevant persons in relation to other matters that relate to this Act or regulations made under it.

(5) The Welsh Ministers may revise the strategy if they consider it appropriate to do so.

(6) In deciding whether to revise the strategy the Welsh Ministers must have regard to any representations received by them about the contents of the strategy.

(7) In this section "relevant persons" means—

(a) residents of regulated buildings who are aged 18 or over,

(b) owners of residential units in regulated buildings, and

(c) occupiers of relevant HMOs who are aged 18 or over.

Guidance and co-operation

120 Issue or approval of guidance by the Welsh Ministers

(1) The Welsh Ministers must issue or approve such guidance as they consider appropriate to assist any persons in complying with duties imposed on them by this Act or regulations made under it.

(2) The Welsh Ministers must ensure that guidance issued or approved by them under this section includes—

(a) canllawiau i gynorthwyo prif bersonau atebol ar gyfer adeiladau rheoleiddiedig wrth gydymffurfio â'r dyletswyddau a osodir arnynt gan adrannau 29 i 32 (asesu risgiau diogelwch tân) a rheoliadau a wneir oddi tanynt;

(b) canllawiau i gynorthwyo landlordiaid tai amlfeddiannaeth perthnasol wrth gydymffurfio â'r dyletswyddau a osodir arnynt gan adrannau 81 i 84 (asesu risgiau diogelwch tân) a rheoliadau a wneir oddi tanynt.

(3) Caiff Gweinidogion Cymru—

(a) dyroddi neu gymeradwyo fersiwn ddiwygiedig o unrhyw ganllawiau a ddyroddir neu a gymeradwyir ganddynt o dan yr adran hon;

(b) heb ragfarnu is-adrannau (1) a (2), dynnu'n ôl unrhyw ganllawiau a ddyroddwyd ganddynt, neu gymeradwyaeth a roddwyd ganddynt, o dan yr adran hon.

(4) Rhaid i Weinidogion Cymru sicrhau bod canllawiau a ddyroddir neu a gymeradwyir ganddynt o dan yr adran hon yn cael eu cyhoeddi.

(5) Pan honnir mewn unrhyw achos fod person wedi methu â chydymffurfio â dyletswydd a osodir gan y Ddeddf hon neu reoliadau a wneir oddi tani—

(a) caniateir dibynnu ar brawf bod y person wedi methu â chydymffurfio â chanllawiau perthnasol a gyhoeddir o dan yr adran hon fel rhywbeth sy'n tueddu i sefydlu bod methiant o'r fath;

(b) caniateir dibynnu ar brawf bod y person wedi cydymffurfio â chanllawiau perthnasol a gyhoeddir o dan yr adran hon fel rhywbeth sy'n tueddu i sefydlu nad oedd methiant o'r fath.

(6) Cyn dyroddi neu gymeradwyo canllawiau o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori â—

(a) pob cyngor sir a chyngor bwrdeistref sirol yng Nghymru,

(b) pob awdurdod diogelwch tân, ac

(c) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

(7) Nid yw'r gofyniad i ymgynghori yn gymwys i fersiwn ddiwygiedig o ganllawiau os yw Gweinidogion Cymru yn ystyried nad yw'r diwygiadau yn newid effaith y canllawiau yn sylweddol.

121 Cydweithredu a gwybodaeth: dyletswyddau personau cyfrifol o dan y Gorchymyn Diogelwch Tân

(1) Mae'r Gorchymyn Diogelwch Tân wedi ei ddiwygio fel a ganlyn.

(2) Ar ôl erthygl 22B mewnosoder—

"22C Wales: co-operation with accountable persons and duty holders

(1) This article applies in relation to premises forming part of a building where—

(a) the building, or any part of it, is a regulated building, or

(b) any part of the building is a relevant HMO.

(a) guidance to assist principal accountable persons for regulated buildings in complying with the duties imposed on them by sections 29 to 32 (assessment of fire safety risks) and regulations made under them;

(b) guidance to assist landlords of relevant HMOs in complying with the duties imposed on them by sections 81 to 84 (assessment of fire safety risks) and regulations made under them.

(3) The Welsh Ministers may—

(a) issue or approve a revised version of any guidance issued or approved by them under this section;

(b) without prejudice to subsections (1) and (2), withdraw any guidance issued by them, or approval given by them, under this section.

(4) The Welsh Ministers must ensure that guidance issued or approved by them under this section is published.

(5) Where in any proceedings it is alleged that a person has failed to comply with a duty imposed by this Act or regulations made under it—

(a) proof that the person has failed to comply with relevant guidance published under this section may be relied on as tending to establish that there was such a failure;

(b) proof that the person has complied with relevant guidance published under this section may be relied on as tending to establish that there was no such failure.

(6) Before issuing or approving guidance under this section, the Welsh Ministers must consult—

(a) each county council and county borough council in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

(7) The requirement to consult does not apply to a revised version of guidance if the Welsh Ministers consider that the revisions do not significantly change the effect of the guidance.

121 Co-operation and information: duties of responsible persons under Fire Safety Order

(1) The Fire Safety Order is amended as follows.

(2) After article 22B insert—

"22C Wales: co-operation with accountable persons and duty holders

(1) This article applies in relation to premises forming part of a building where—

(a) the building, or any part of it, is a regulated building, or

(b) any part of the building is a relevant HMO.

(2) The responsible person for the premises ("P") must take such steps as are reasonably practicable to ascertain whether there are one or more other persons who are (as the case may be)—

(a) accountable persons for the regulated building, or

(b) duty holders for the relevant HMO.

(3) If there are, P must co-operate with each of those persons for the purpose of those persons carrying out their duties under the Building Safety (Wales) Act 2026.

(4) If P becomes aware that a person is treated as an accountable person for the building by virtue of section 36 of the Building Safety (Wales) Act 2026, P must co-operate with the person for the purpose of the person carrying out their duties under that Act.

(5) In this article, article 22D and article 22E—

"accountable person" has the meaning given by section 8 of the Building Safety (Wales) Act 2026;

"duty holder" has the meaning given by section 79 of that Act;

"regulated building" has the meaning given by sections 2 and 7 of that Act;

"relevant HMO" has the meaning given by section 78 of that Act.

22D Wales: sharing information with accountable persons

(1) This article applies in relation to premises forming part of a building where the building, or any part of it, is a regulated building.

(2) A responsible person in relation to the premises must give information or a document to a person ("A") who—

(a) is either—

(i) an accountable person for the building, or

(ii) a person treated as an accountable person for the building by virtue of section 36 of the Building Safety (Wales) Act 2026, and

(b) makes a request in accordance with paragraph (3).

(3) A request is made in accordance with this paragraph if—

(a) the information or document is necessary for A to comply with a requirement under the Building Safety (Wales) Act 2026 or regulations made under it,

(b) A gives the relevant person a written request that—

(i) states that the request is made pursuant to this article,

(ii) explains why A requires the information or document,

(iii) states the address to which the information or document must be given, and

(2) The responsible person for the premises ("P") must take such steps as are reasonably practicable to ascertain whether there are one or more other persons who are (as the case may be)—

(a) accountable persons for the regulated building, or

(b) duty holders for the relevant HMO.

(3) If there are, P must co-operate with each of those persons for the purpose of those persons carrying out their duties under the Building Safety (Wales) Act 2026.

(4) If P becomes aware that a person is treated as an accountable person for the building by virtue of section 36 of the Building Safety (Wales) Act 2026, P must co-operate with the person for the purpose of the person carrying out their duties under that Act.

(5) In this article, article 22D and article 22E—

"accountable person" has the meaning given by section 8 of the Building Safety (Wales) Act 2026;

"duty holder" has the meaning given by section 79 of that Act;

"regulated building" has the meaning given by sections 2 and 7 of that Act;

"relevant HMO" has the meaning given by section 78 of that Act.

22D Wales: sharing information with accountable persons

(1) This article applies in relation to premises forming part of a building where the building, or any part of it, is a regulated building.

(2) A responsible person in relation to the premises must give information or a document to a person ("A") who—

(a) is either—

(i) an accountable person for the building, or

(ii) a person treated as an accountable person for the building by virtue of section 36 of the Building Safety (Wales) Act 2026, and

(b) makes a request in accordance with paragraph (3).

(3) A request is made in accordance with this paragraph if—

(a) the information or document is necessary for A to comply with a requirement under the Building Safety (Wales) Act 2026 or regulations made under it,

(b) A gives the relevant person a written request that—

(i) states that the request is made pursuant to this article,

(ii) explains why A requires the information or document,

(iii) states the address to which the information or document must be given, and

(iv) states that the information or document must be given before the end of a specified date no less than 14 days after the day on which the request is given, and

(c) it is reasonable for the relevant person to give A the information or document.

(4) The disclosure of information or a document in accordance with this section does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information or a document (however imposed).

(5) But see also section 183A of the Data Protection Act 2018 (c. 12) (protection of requirements for processing personal data).

22E Wales: provision of information to duty holders

(1) This article applies in relation to premises forming part of a building where any part of the building is a relevant HMO.

(2) A responsible person in relation to the premises must give information or a document to a person ("D") who—

(a) is a duty holder for a relevant HMO in the building, and

(b) makes a request in accordance with paragraph (3).

(3) A request is made in accordance with this paragraph if—

(a) the information or document requested is necessary for D to comply with a requirement under the Building Safety (Wales) Act 2026 or regulations made under it,

(b) D gives the responsible person a written request that—

(i) states that the request is made pursuant to this article,

(ii) explains why D requires the information or document,

(iii) states the address to which the information or document must be given, and

(iv) states that the information or document must be given before the end of a specified date no less than 14 days after the day on which the request is given, and

(c) it is reasonable for the responsible person to give D the information or document.

(4) The disclosure of information or a document in accordance with this section does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information or a document (however imposed).

(iv) states that the information or document must be given before the end of a specified date no less than 14 days after the day on which the request is given, and

(c) it is reasonable for the relevant person to give A the information or document.

(4) The disclosure of information or a document in accordance with this section does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information or a document (however imposed).

(5) But see also section 183A of the Data Protection Act 2018 (c. 12) (protection of requirements for processing personal data).

22E Wales: provision of information to duty holders

(1) This article applies in relation to premises forming part of a building where any part of the building is a relevant HMO.

(2) A responsible person in relation to the premises must give information or a document to a person ("D") who—

(a) is a duty holder for a relevant HMO in the building, and

(b) makes a request in accordance with paragraph (3).

(3) A request is made in accordance with this paragraph if—

(a) the information or document requested is necessary for D to comply with a requirement under the Building Safety (Wales) Act 2026 or regulations made under it,

(b) D gives the responsible person a written request that—

(i) states that the request is made pursuant to this article,

(ii) explains why D requires the information or document,

(iii) states the address to which the information or document must be given, and

(iv) states that the information or document must be given before the end of a specified date no less than 14 days after the day on which the request is given, and

(c) it is reasonable for the responsible person to give D the information or document.

(4) The disclosure of information or a document in accordance with this section does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information or a document (however imposed).

(5) But see also section 183A of the Data Protection Act 2018 (c. 12) (protection of requirements for processing personal data)."

(3) Ym mhennawd erthygl 22B, yn lle "Co-operation" rhodder "England: co-operation".

(4) Yn y darpariaethau a ganlyn, yn lle "22B" rhodder "22E"—

(a) erthygl 5(1), (2), (3) a (5);

(b) erthygl 50(1) ac (1A).

(5) Yn erthygl 26, ar ôl paragraff (3), mewnosoder—

"(4) In paragraph (1), the reference to "this Order" does not include Articles 22C to 22E (but see section 94 of the Building Safety (Wales) Act 2026)."

(6) Yn erthygl 27, ar ôl paragraff (5), mewnosoder—

"(6) In paragraph (1), references to "this Order" do not include Articles 22C to 22E."

(7) Yn erthygl 30, ar ôl paragraff (7), mewnosoder—

"(8) In paragraphs (1) and (4), references to "this Order" do not include Articles 22C to 22E."

(8) Yn erthygl 36, ar ôl paragraff (6), mewnosoder—

"(7) In paragraph (1)(a), the reference to "this Order" does not include Articles 22C to 22E."

Awdurdodau diogelwch adeiladau

122 Awdurdodau diogelwch adeiladau

(1) Yn y Ddeddf hon, ystyr "awdurdod diogelwch adeiladau" yw cyngor sir neu gyngor bwrdeistref sirol a ddynodir felly mewn rheoliadau a wneir gan Weinidogion Cymru yn unol â'r adran hon.

(2) Rhaid i reoliadau o dan yr adran hon, ar gyfer ardal pob awdurdod tân ac achub yng Nghymru, ddynodi un cyngor sir neu gyngor bwrdeistref sirol yn yr ardal fel yr awdurdod diogelwch adeiladau ar gyfer yr ardal honno.

(3) Cyn gwneud rheoliadau o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori ag—

(a) pob cyngor sir a chyngor bwrdeistref sirol yng Nghymru,

(b) pob awdurdod diogelwch tân, ac

(c) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

(4) Caiff rheoliadau o dan yr adran hon wneud darpariaeth bellach mewn cysylltiad ag arfer swyddogaethau gan awdurdod diogelwch adeiladau (gan gynnwys darpariaeth sy'n ei gwneud yn ofynnol i gyngor sir neu gyngor bwrdeistref sirol arall wneud taliadau, neu ddarparu gwasanaethau neu gyfleusterau, i'r awdurdod).

(5) Mae cyfeiriadau yn y Ddeddf hon at yr awdurdod diogelwch adeiladau ar gyfer adeilad rheoleiddiedig yn gyfeiriadau at yr awdurdod diogelwch adeiladau y mae'r adeilad wedi ei leoli'n gyfan gwbl neu'n bennaf yn ei ardal.

(5) But see also section 183A of the Data Protection Act 2018 (c. 12) (protection of requirements for processing personal data)."

(3) In the heading of article 22B, for "Co-operation" substitute "England: co-operation".

(4) In the following provisions, for "22B" substitute "22E"—

(a) article 5(1), (2), (3) and (5);

(b) article 50(1) and (1A).

(5) In article 26, after paragraph (3), insert—

"(4) In paragraph (1), the reference to "this Order" does not include Articles 22C to 22E (but see section 94 of the Building Safety (Wales) Act 2026)."

(6) In article 27, after paragraph (5), insert—

"(6) In paragraph (1), references to "this Order" do not include Articles 22C to 22E."

(7) In article 30, after paragraph (7), insert—

"(8) In paragraphs (1) and (4), references to "this Order" do not include Articles 22C to 22E."

(8) In article 36, after paragraph (6), insert—

"(7) In paragraph (1)(a), the reference to "this Order" does not include Articles 22C to 22E."

Building safety authorities

122 Building safety authorities

(1) In this Act "building safety authority" means a county council or county borough council designated as such in regulations made by the Welsh Ministers in accordance with this section.

(2) Regulations under this section must, for the area of each fire and rescue authority in Wales, designate one county council or county borough council in the area as the building safety authority for that area.

(3) Before making regulations under this section, the Welsh Ministers must consult—

(a) each county council and county borough council in Wales,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

(4) Regulations under this section may make further provision in connection with the exercise of functions by a building safety authority (including provision requiring another county council or county borough council to make payments, or provide services or facilities, to the authority).

(5) References in this Act to the building safety authority for a regulated building are to the building safety authority in whose area the building is wholly or mainly situated.

(6) Wrth benderfynu a yw adeilad rheoleiddiedig wedi ei leoli'n gyfan gwbl neu'n bennaf yn ardal awdurdod diogelwch adeiladau, mae unrhyw beth sydd wedi ei gynnwys mewn cyfeiriad at adeilad o'r fath yn rhinwedd adran 7 (ardaloedd atodol) i'w anwybyddu.

(7) Nid yw swyddogaethau cyngor fel awdurdod diogelwch adeiladau i fod yn gyfrifoldeb i weithrediaeth y cyngor o dan drefniadau gweithrediaeth.

(8) Yn yr adran hon, mae cyfeiriadau at ardal pob awdurdod tân ac achub yng Nghymru i'w dehongli yn unol â Rhan 1 o Ddeddf Gwasanaethau Tân ac Achub 2004 (p. 21).

(9) Yn yr adran hon—

ystyr "Deddf 2000" ("*the 2000 Act*") yw Deddf Llywodraeth Leol 2000 (p. 22);

mae "gweithrediaeth" ("*executive*") i'w ddehongli yn unol ag adran 11 o Ddeddf 2000;

mae i "trefniadau gweithrediaeth" yr ystyr a roddir i "executive arrangements" gan adran 10 o Ddeddf 2000.

123 Dirprwyo swyddogaethau pan fo awdurdod diogelwch adeiladau yn berson atebol ar gyfer adeilad categori 1

(1) Mae'r adran hon yn gymwys pan fo cyngor sir neu gyngor bwrdeistref sirol yn awdurdod diogelwch adeiladau ar gyfer adeilad categori 1 ac yn berson atebol ar gyfer yr adeilad.

(2) Rhaid i'r cyngor wneud pob ymdrech resymol i drefnu o dan adran 101(1)(b) o Ddeddf Llywodraeth Leol 1972 (p. 70) i'w swyddogaethau fel yr awdurdod diogelwch adeiladau ar gyfer yr adeilad gael eu harfer gan awdurdod diogelwch adeiladau arall.

(3) Pan fo trefniadau o'r fath mewn grym mewn perthynas ag adeilad categori 1, rhaid arfer swyddogaethau'r awdurdod diogelwch adeiladau ar gyfer yr adeilad yn unol â'r trefniadau (ac nid yw adran 101(4) o Ddeddf Llywodraeth Leol 1972 yn gymwys).

124 Pŵer i gyfarwyddo awdurdodau diogelwch adeiladau i drefnu i ddirprwyo swyddogaethau

(1) Caiff Gweinidogion Cymru gyfarwyddo dau neu ragor o awdurdodau diogelwch adeiladau i drefnu o dan adran 101(1)(b) o Ddeddf Llywodraeth Leol 1972 (p. 70) i un o'r awdurdodau arfer unrhyw un neu ragor o swyddogaethau'r awdurdod arall neu'r awdurdodau eraill fel awdurdod diogelwch adeiladau.

(2) Cyn rhoi cyfarwyddyd, rhaid i Weinidogion Cymru ymgynghori â'r awdurdodau.

(3) Caiff cyfarwyddyd—

(a) gwneud darpariaeth ynghylch telerau'r trefniadau y mae rhaid i'r awdurdodau eu gwneud;

(b) gwneud darpariaeth wahanol at ddibenion gwahanol (gan gynnwys ar gyfer gwahanol swyddogaethau neu adeiladau).

(4) Rhaid rhoi cyfarwyddyd yn ysgrifenedig.

(5) Rhaid i'r awdurdodau y rhoddir cyfarwyddyd iddynt gydymffurfio â'r cyfarwyddyd.

(6) Pan fo trefniadau sy'n ofynnol gan gyfarwyddyd mewn grym mewn perthynas â swyddogaeth awdurdod diogelwch adeiladau, rhaid arfer y swyddogaeth yn unol â'r trefniadau (ac nid yw adran 101(4) o Ddeddf Llywodraeth Leol 1972 yn gymwys).

(6) In determining whether a regulated building is situated wholly or mainly in the area of a building safety authority, anything that is included in a reference to such a building by virtue of section 7 (ancillary areas) is to be ignored.

(7) The functions of a council as a building safety authority are not to be the responsibility of an executive of the council under executive arrangements.

(8) In this section, references to the area of each fire and rescue authority in Wales are to be interpreted in accordance with Part 1 of the Fire and Rescue Services Act 2004 (c. 21).

(9) In this section—

"the 2000 Act" ("*Deddf 2000*") means the Local Government Act 2000 (c. 22);

"executive" ("*gweithrediaeth*") is to be interpreted in accordance with section 11 of the 2000 Act;

"executive arrangements" ("*trefniadau gweithrediaeth*") has the meaning given by section 10 of the 2000 Act.

123 Delegation of functions where building safety authority is accountable person for category 1 building

(1) This section applies where a county council or county borough council is both the building safety authority for a category 1 building and an accountable person for the building.

(2) The council must make all reasonable efforts to arrange under section 101(1)(b) of the Local Government Act 1972 (c. 70) for its functions as the building safety authority for the building to be exercised by another building safety authority.

(3) Where such arrangements are in force in relation to a category 1 building, the functions of the building safety authority for the building must be exercised in accordance with the arrangements (and section 101(4) of the Local Government Act 1972 does not apply).

124 Power to direct building safety authorities to arrange for delegation of functions

(1) The Welsh Ministers may direct two or more building safety authorities to arrange under section 101(1)(b) of the Local Government Act 1972 (c. 70) for one of the authorities to exercise any of the functions of the other authority or authorities as a building safety authority.

(2) Before giving a direction, the Welsh Ministers must consult the authorities.

(3) A direction may—

(a) make provision about the terms of the arrangements that the authorities must make;

(b) make different provision for different purposes (including for different functions or buildings).

(4) A direction must be given in writing.

(5) The authorities to which a direction is given must comply with the direction.

(6) Where arrangements required by a direction are in force in relation to a function of a building safety authority, the function must be exercised in accordance with the arrangements (and section 101(4) of the Local Government Act 1972 does not apply).

125 Ffioedd ar gyfer arfer swyddogaethau gan awdurdodau diogelwch adeiladau

(1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ar gyfer codi ffioedd gan awdurdodau diogelwch adeiladau, ac mewn cysylltiad â hynny, ar gyfer—

(a) arfer unrhyw un neu ragor o'u swyddogaethau o dan y Ddeddf hon neu reoliadau a wneir oddi tani;

(b) gwneud unrhyw beth y bwriedir iddo hwyluso arfer unrhyw un neu ragor o'r swyddogaethau hynny, neu sy'n ffafriol i'w harfer neu'n ddeilliadol i'w harfer.

(2) Caiff y rheoliadau, yn benodol, wneud darpariaeth ynghylch—

(a) yr amgylchiadau y caniateir codi ffioedd ynddynt;

(b) yr amser pan fo ffi a godir yn daladwy, neu'r cyfnod y mae ffi a godir yn daladwy ynddo;

(c) pwy sy'n atebol i dalu ffi a godir;

(d) sut y mae ffi a godir i'w thalu;

(e) adennill ffioedd a godir;

(f) ildio, lleihau neu ad-dalu ffioedd.

(3) Caiff y rheoliadau naill ai—

(a) pennu swm ffi, neu

(b) darparu i'r swm gael ei benderfynu yn unol â'r rheoliadau.

(4) Caiff y rheoliadau, yn benodol—

(a) darparu bod swm ffi i'w benderfynu gan awdurdod diogelwch adeiladau yn unol â chynllun a wnaed ac a gyhoeddwyd gan Weinidogion Cymru, a

(b) gwneud darpariaeth ynghylch cynlluniau o'r fath, gan gynnwys yr egwyddorion sydd i'w hymgorffori ynddynt.

(5) Caiff y rheoliadau wneud darpariaeth ynghylch effaith methu â thalu ffi yn unol â'r rheoliadau.

(6) Cyn gwneud rheoliadau o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori ag—

(a) pob cyngor sir a chyngor bwrdeistref sirol yng Nghymru, a

(b) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

Awdurdodau diogelwch tân

126 Awdurdodau diogelwch tân

(1) Yn y Ddeddf hon ystyr "awdurdod diogelwch tân" yw—

(a) awdurdod tân ac achub ar gyfer ardal yng Nghymru;

(b) arolygydd tân.

(2) Mae cyfeiriadau yn y Ddeddf hon at yr awdurdod diogelwch tân ar gyfer adeilad rheoleiddiedig neu dŷ amlfeddiannaeth perthnasol—

125 Fees for exercise of functions by building safety authorities

(1) The Welsh Ministers may by regulations make provision for and in connection with the charging of fees by building safety authorities for—

(a) exercising any of their functions under this Act or regulations made under it;

(b) doing anything that is calculated to facilitate, or is conducive or incidental to, the exercise of any of those functions.

(2) The regulations may, in particular, make provision about—

(a) the circumstances in which fees may be charged;

(b) the time when, or period within which, a fee charged is payable;

(c) who is liable to pay a fee charged;

(d) how a fee charged is to be paid;

(e) the recovery of fees charged;

(f) the waiver, reduction or repayment of fees.

(3) The regulations may either—

(a) specify the amount of a fee, or

(b) provide for the amount to be determined in accordance with the regulations.

(4) The regulations may in particular—

(a) provide that the amount of a fee is to be determined by a building safety authority in accordance with a scheme made and published by the Welsh Ministers, and

(b) make provision about such schemes, including the principles to be embodied in them.

(5) The regulations may make provision about the effect of failing to pay a fee in accordance with the regulations.

(6) Before making regulations under this section, the Welsh Ministers must consult—

(a) each county council and county borough council in Wales, and

(b) such other persons as they consider appropriate.

Fire safety authorities

126 Fire safety authorities

(1) In this Act "fire safety authority" means—

(a) a fire and rescue authority for an area in Wales;

(b) a fire inspector.

(2) References in this Act to the fire safety authority for a regulated building or a relevant HMO are—

(a) mewn perthynas ag adeilad neu dŷ amlfeddiannaeth perthnasol nad yw'n cynnwys mangreoedd y Goron yn unig, yn gyfeiriadau at yr awdurdod tân ac achub y mae'r adeilad neu'r tŷ amlfeddiannaeth perthnasol yn gyfan gwbl neu'n bennaf yn ei ardal;

(b) mewn perthynas ag adeilad neu dŷ amlfeddiannaeth perthnasol sy'n cynnwys mangreoedd y Goron yn unig, yn gyfeiriadau at arolygydd tân.

(3) Wrth benderfynu a yw adeilad rheoleiddiedig wedi ei leoli'n gyfan gwbl neu'n bennaf yn ardal awdurdod tân ac achub, mae unrhyw beth sydd wedi ei gynnwys mewn cyfeiriad at adeilad o'r fath yn rhinwedd adran 7 (ardaloedd atodol) i'w anwybyddu.

(4) Wrth benderfynu a yw tŷ amlfeddiannaeth perthnasol wedi ei leoli'n gyfan gwbl neu'n bennaf yn ardal awdurdod tân ac achub, mae unrhyw beth sydd wedi ei gynnwys mewn cyfeiriad at dŷ amlfeddiannaeth perthnasol yn rhinwedd adran 78(5) i'w anwybyddu.

(5) Yn yr adran hon—

ystyr "arolygydd tân" ("*fire inspector*") yw arolygydd neu arolygydd cynorthwyol a benodir o dan adran 28(1) o Ddeddf Gwasanaethau Tân ac Achub 2004 (p. 21);

mae i "awdurdod tân ac achub" yr ystyr a roddir i "fire and rescue authority" gan Ran 1 o Ddeddf Gwasanaethau Tân ac Achub 2004 (p. 21).

Arfer swyddogaethau gan awdurdodau diogelwch adeiladau ac awdurdodau diogelwch tân

127 Dyroddi canllawiau gan Weinidogion Cymru ynghylch arfer swyddogaethau

(1) Rhaid i Weinidogion Cymru ddyroddi canllawiau ynghylch arfer swyddogaethau perthnasol gan—

(a) awdurdod diogelwch adeiladau;

(b) awdurdod diogelwch tân.

(2) Rhaid i awdurdod diogelwch adeiladau ac awdurdod diogelwch tân roi sylw i ganllawiau a ddyroddir gan Weinidogion Cymru o dan is-adran (1).

(3) Cyn dyroddi canllawiau o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori ag—

(a) pob awdurdod diogelwch adeiladau,

(b) pob awdurdod diogelwch tân, ac

(c) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

(4) Yn y Rhan hon, ystyr "swyddogaeth berthnasol" yw swyddogaeth o dan y Ddeddf hon neu reoliadau a wneir oddi tani.

128 Cydweithredu rhwng awdurdodau diogelwch adeiladau ac awdurdodau diogelwch tân

(1) Rhaid i awdurdod diogelwch adeiladau ac awdurdod diogelwch tân y mae'r adran hon yn gymwys iddynt gydweithredu wrth arfer eu swyddogaethau perthnasol, i'r graddau y bo hynny'n bosibl.

(2) Mae'r adran hon yn gymwys i awdurdod diogelwch adeiladau ac awdurdod diogelwch tân a chanddynt swyddogaethau perthnasol mewn perthynas â'r un adeilad rheoleiddiedig neu'r un adeiladau rheoleiddiedig.

(a) in relation to a building or relevant HMO that does not consist entirely of Crown premises, references to the fire and rescue authority in whose area the building or relevant HMO is wholly or mainly situated;

(b) in relation to a building or relevant HMO that consists entirely of Crown premises, references to a fire inspector.

(3) In determining whether a regulated building is situated wholly or mainly in the area of a fire and rescue authority, anything that is included in a reference to such a building by virtue of section 7 (ancillary areas) is to be ignored.

(4) In determining whether a relevant HMO is situated wholly or mainly in the area of a fire and rescue authority, anything that is included in a reference to a relevant HMO by virtue of section 78(5) is to be ignored.

(5) In this section—

"fire and rescue authority" ("*awdurdod tân ac achub*") has the meaning given by Part 1 of the Fire and Rescue Services Act 2004 (c. 21);

"fire inspector" ("*arolygydd tân*") means an inspector or assistant inspector appointed under section 28(1) of the Fire and Rescue Services Act 2004.

Exercise of functions by building safety authorities and fire safety authorities

127 Issue of guidance by the Welsh Ministers about the exercise of functions

(1) The Welsh Ministers must issue guidance about the exercise of relevant functions by—

(a) a building safety authority;

(b) a fire safety authority.

(2) A building safety authority and a fire safety authority must have regard to guidance issued by the Welsh Ministers under subsection (1).

(3) Before issuing guidance under this section, the Welsh Ministers must consult—

(a) each building safety authority,

(b) each fire safety authority, and

(c) such other persons as they consider appropriate.

(4) In this Part, "relevant function" means a function under this Act or regulations made under it.

128 Co-operation between building safety authorities and fire safety authorities

(1) A building safety authority and a fire safety authority to which this section applies must so far as possible co-operate in the exercise of their relevant functions.

(2) This section applies to a building safety authority and a fire safety authority that have relevant functions in relation to the same regulated building or regulated buildings.

(3) Caiff canllawiau o dan adran 127 gynnwys canllawiau ynghylch sut y mae awdurdod diogelwch adeiladau ac awdurdod diogelwch tân i gydymffurfio â'r adran hon.

129 Rhannu gwybodaeth

(1) Caiff awdurdod perthnasol ddatgelu gwybodaeth a ddelir ganddo i awdurdod gorfodi at ddibenion swyddogaeth berthnasol y naill awdurdod neu'r llall.

(2) Nid yw datgelu gwybodaeth yn unol ag is-adran (1) yn torri—

(a) unrhyw rwymedigaeth gyfrinachedd sy'n ddyledus gan yr awdurdod sy'n gwneud y datgeliad, neu

(b) unrhyw gyfyngiad arall ar ddatgelu gwybodaeth (sut bynnag y caiff ei osod).

(3) Ond gweler hefyd adran 183A o Ddeddf Diogelu Data 2018 (diogelu gofynion ar gyfer prosesu data personol).

(4) Yn is-adran (1), ystyr "awdurdod perthnasol" yw—

(a) cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;

(b) awdurdod diogelwch tân.

Troseddau

130 Atebolrwydd troseddol uwch swyddogion cyrff

(1) Mae'r adran hon yn gymwys pan fo trosedd o dan y Ddeddf hon yn cael ei chyflawni gan—

(a) corff corfforedig,

(b) partneriaeth, neu

(c) cymdeithas anghorfforedig ac eithrio partneriaeth.

(2) Os profir bod y drosedd wedi ei chyflawni gan yr hyn a ganlyn, neu gyda chydsyniad neu ymoddefiad yr hyn a ganlyn, neu y gellir ei phriodoli i esgeulustod ar ran yr hyn a ganlyn—

(a) un o uwch-swyddogion y corff corfforedig, y bartneriaeth neu'r gymdeithas anghorfforedig, neu

(b) person sy'n honni ei fod yn gweithredu fel swyddog o'r fath,

mae'r uwch-swyddog hwnnw neu'r person hwnnw (yn ogystal â'r corff corfforedig, y bartneriaeth neu'r gymdeithas) yn euog o'r drosedd ac yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

(3) Yn yr adran hon, ystyr "uwch-swyddog" yw—

(a) mewn perthynas â chorff corfforedig, cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog tebyg arall i'r corff;

(b) mewn perthynas â phartneriaeth, partner yn y bartneriaeth;

(c) mewn perthynas â chymdeithas anghorfforedig ac eithrio partneriaeth, swyddog i'r gymdeithas neu aelod o'i gorff llywodraethu.

(4) Yn is-adran (3), ystyr "cyfarwyddwr", mewn perthynas â chorff corfforedig y rheolir ei faterion gan ei aelodau, yw aelod o'r corff corfforedig.

(3) Guidance under section 127 may include guidance about how a building safety authority and a fire safety authority are to comply with this section.

129 Sharing of information

(1) A relevant authority may disclose information it holds to an enforcing authority for the purposes of a relevant function of either authority.

(2) The disclosure of information in accordance with subsection (1) does not breach—

(a) any obligation of confidence owed by the authority making the disclosure, or

(b) any other restriction on the disclosure of information (however imposed).

(3) But see also section 183A of the Data Protection Act 2018 (protection of requirements for processing personal data).

(4) In subsection (1), "relevant authority" means—

(a) a county council or county borough council in Wales;

(b) a fire safety authority.

Offences

130 Criminal liability of senior officers of bodies

(1) This section applies where an offence under this Act is committed by—

(a) a body corporate,

(b) a partnership, or

(c) an unincorporated association other than a partnership.

(2) If the offence is proved to have been committed by, or with the consent or connivance of, or to be attributable to neglect on the part of—

(a) a senior officer of the body corporate, partnership or unincorporated association, or

(b) a person purporting to act as such an officer,

that senior officer or person (as well as the body corporate, partnership or association) is guilty of the offence and is liable to be proceeded against and punished accordingly.

(3) In this section "senior officer" means—

(a) in relation to a body corporate, a director, manager, secretary or other similar officer of the body;

(b) in relation to a partnership, a partner in the partnership;

(c) in relation to an unincorporated association other than a partnership, an officer of the association or a member of its governing body.

(4) In subsection (3) "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body.

Rhoi hysbysiadau a dogfennau eraill

131 Rhoi hysbysiadau a dogfennau eraill

(1) Mae'r adran hon yn gymwys pan fo darpariaeth yn y Ddeddf hon, neu reoliadau a wneir oddi tani, yn ei gwneud yn ofynnol neu'n awdurdodi rhoi hysbysiad neu ddogfen arall i berson (pa un a yw'r ddarpariaeth yn defnyddio'r gair "rhoi" neu unrhyw ymadrodd arall).

(2) Caniateir rhoi'r ddogfen drwy—

(a) ei rhoi i'r person â llaw,

(b) ei gadael yng nghyfeiriad priodol y person,

(c) ei hanfon drwy'r post at y person yn y cyfeiriad hwnnw, neu

(d) ei hanfon drwy e-bost i gyfeiriad e-bost y mae'r person wedi cytuno yn ysgrifenedig i gael dogfennau wedi eu hanfon iddo o dan y Ddeddf hon neu reoliadau a wneir oddi tani (neu ddogfennau o'r math o dan sylw).

(3) Rhoddir dogfen yn unol ag is-adran (2)(a)—

(a) os yw'r person yn gorff corfforedig, drwy roi'r dogfen â llaw i gyfarwyddwr, rheolwr, ysgrifennydd neu swyddog tebyg arall i'r corff (ac ystyr "cyfarwyddwr", mewn perthynas â chorff corfforedig y mae ei faterion yn cael eu rheoli gan ei aelodau, yw aelod o'r corff);

(b) os yw'r person yn bartneriaeth, drwy roi'r ddogfen â llaw i bartner;

(c) os yw'r person yn gymdeithas anghorfforedig ac eithrio partneriaeth, drwy roi'r ddogfen â llaw i un o swyddogion y gymdeithas neu aelod o'i chorff llywodraethu.

(4) At ddibenion yr adran hon, cyfeiriad priodol person yw—

(a) os yw'r person yn gorff corfforedig, gyfeiriad ei swyddfa gofrestredig neu ei brif swyddfa;

(b) os yw'r person yn bartneriaeth neu'n gymdeithas anghorfforedig arall, gyfeiriad ei brif swyddfa;

(c) mewn unrhyw achos arall, gyfeiriad hysbys diwethaf y person.

(5) Os yw'r person wedi rhoi cyfeiriad yn y Deyrnas Unedig y caniateir rhoi dogfennau (neu ddogfennau o'r math o dan sylw) i'r person o dan y Ddeddf hon neu reoliadau a wneir oddi tani, mae'r cyfeiriad hwnnw hefyd i'w drin fel cyfeiriad priodol y person.

(6) Mae dogfen a adawyd yn unol ag is-adran (2)(b) i'w thrin fel pe bai wedi ei rhoi pan gafodd ei gadael.

(7) Mae dogfen a anfonir drwy'r post yn unol ag is-adran (2)(c) i'w thrin fel pe bai wedi ei rhoi 48 awr ar ôl iddi gael ei hanfon, oni phrofir i'r gwrthwyneb.

(8) Mae dogfen a anfonir drwy e-bost yn unol ag is-adran (2)(d) i'w thrin fel pe bai wedi ei rhoi 24 awr ar ôl iddi gael ei hanfon, oni phrofir i'r gwrthwyneb.

(9) Nid yw adrannau 231 a 233 o Ddeddf Llywodraeth Leol 1972 (p. 70) yn gymwys i ddogfennau sydd i'w rhoi i awdurdod lleol neu gan awdurdod lleol o dan y Ddeddf hon neu reoliadau a wneir oddi tani.

Giving notices and other documents

131 Giving notices and other documents

(1) This section applies where a provision of this Act, or of regulations made under it, requires or authorises a notice or other document to be given to a person (whether the provision uses the word "give" or any other expression).

(2) The document may be given by—

(a) handing it to the person,

(b) leaving it at the person's proper address,

(c) sending it by post to the person at that address, or

(d) sending it by email to an email address at which the person has agreed in writing to receive documents under this Act or regulations made under it (or documents of the kind in question).

(3) A document is given in accordance with subsection (2)(a)—

(a) if the person is a body corporate, by handing the document to a director, manager, secretary or other similar officer of the body (and "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body);

(b) if the person is a partnership, by handing the document to a partner;

(c) if the person is an unincorporated association other than a partnership, by handing the document to an officer of the association or a member of its governing body.

(4) For the purposes of this section, a person's proper address is—

(a) if the person is a body corporate, the address of its registered or principal office;

(b) if the person is a partnership or other unincorporated association, the address of its principal office;

(c) in any other case, the last known address of the person.

(5) If the person has given an address in the United Kingdom at which documents (or documents of the kind in question) may be given to the person under this Act or regulations made under it, that address is also to be treated as the person's proper address.

(6) A document left in accordance with subsection (2)(b) is treated as given when it was left.

(7) A document sent by post in accordance with subsection (2)(c) is treated as given 48 hours after it was sent, unless the contrary is proved.

(8) A document sent by email in accordance with subsection (2)(d) is treated as given 24 hours after it was sent, unless the contrary is proved.

(9) Sections 231 and 233 of the Local Government Act 1972 (c. 70) do not apply to documents to be given to or by a local authority under this Act or regulations made under it.

(10) Mae'r adran hon yn ddarostyngedig i unrhyw ddarpariaeth wahanol ar gyfer rhoi dogfen a wneir gan y Ddeddf hon neu reoliadau a wneir oddi tani.

132 Rhoi dogfennau i berson y mae ei enw yn anhysbys

(1) Mae'r adran hon yn gymwys (yn ogystal ag adran 131) pan fo darpariaeth yn y Ddeddf hon, neu reoliadau a wneir oddi tani, yn ei gwneud yn ofynnol neu'n awdurdodi rhoi hysbysiad neu ddogfen arall i berson sy'n dod o fewn disgrifiad yn is-adran (2).

(2) Y disgrifiadau yw—

(a) person atebol ar gyfer adeilad rheoleiddiedig, neu berson sydd i'w drin fel person atebol ar gyfer adeilad o'r fath yn rhinwedd adran 36;

(b) deiliad dyletswydd ar gyfer tŷ amlfeddiannaeth perthnasol;

(c) perchennog uned breswyl neu unrhyw fangre arall;

(d) preswylydd uned breswyl neu feddiannydd unrhyw fangre arall.

(3) Os nad yw enw'r person yn hysbys, er bod camau rhesymol wedi eu cymryd i'w ganfod, caniateir cyfeirio'r ddogfen at y person drwy ddefnyddio'r disgrifiad o dan sylw (ac enwi'r adeilad, y tŷ amlfeddiannaeth perthnasol neu'r fangre o dan sylw).

(4) Os—

(a) yw'r ddogfen i'w rhoi i berson sy'n dod o fewn disgrifiad ym mharagraff (a) neu (b) o is-adran (2), a

(b) nad yw enw a chyfeiriad priodol y person yn hysbys, er bod camau rhesymol wedi eu cymryd i'w canfod,

caniateir rhoi'r ddogfen drwy ei chyfeirio at y person yn unol ag is-adran (3) a'i gosod ynghlwm wrth ran amlwg o'r adeilad neu'r tŷ amlfeddiannaeth perthnasol o dan sylw.

(5) Mae dogfen sydd wedi ei gosod yn unol ag is-adran (4) i'w thrin fel pe bai wedi ei rhoi 48 awr ar ôl iddi gael ei gosod.

(6) Mae'r adran hon yn ddarostyngedig i unrhyw ddarpariaeth wahanol ar gyfer rhoi dogfen a wneir gan y Ddeddf hon neu reoliadau a wneir oddi tani.

Cyffredinol

133 Ymgynghori cyn-gychwyn

Gellir bodloni gofyniad i ymgynghori a osodir gan ddarpariaeth o'r Ddeddf hon drwy ymgynghoriad a gynhelir cyn i'r ddarpariaeth ddod i rym.

134 Rheoliadau sy'n ei gwneud yn ofynnol i wybodaeth gael ei darparu: cyfrinachedd a diogelu data

(1) Caiff rheoliadau o dan adrannau 39, 49, 50 a 87 ddarparu nad yw datgelu gwybodaeth gan berson yn unol â'r rheoliadau yn torri—

(a) unrhyw rwymedigaeth gyfrinachedd sy'n ddyledus gan y person mewn perthynas â'r wybodaeth, neu

(b) unrhyw gyfyngiad arall ar ddatgelu gwybodaeth (sut bynnag y caiff ei osod).

(10) This section is subject to any different provision for the giving of a document that is made by this Act or regulations made under it.

132 Giving documents to a person whose name is unknown

(1) This section applies (in addition to section 131) where a provision of this Act, or of regulations made under it, requires or authorises a notice or other document to be given to a person who falls within a description in subsection (2).

(2) The descriptions are—

(a) an accountable person for a regulated building, or a person treated as an accountable person for such a building by virtue of section 36;

(b) a duty holder for a relevant HMO;

(c) an owner of a residential unit or any other premises;

(d) a resident of a residential unit or occupier of any other premises.

(3) If the person's name is not known, despite reasonable steps having been taken to ascertain it, the document may be addressed to the person by using the description in question (and naming the building, relevant HMO or premises in question).

(4) If—

(a) the document is to be given to a person who falls within a description in paragraph (a) or (b) of subsection (2), and

(b) the person's name and proper address are not known, despite reasonable steps having been taken to ascertain them,

the document may be given by addressing it to the person in accordance with subsection (3) and fixing it to a conspicuous part of the building or relevant HMO in question.

(5) A document fixed in accordance with subsection (4) is treated as given 48 hours after it was fixed.

(6) This section is subject to any different provision for the giving of a document that is made by this Act or regulations made under it.

General

133 Pre-commencement consultation

A requirement for consultation imposed by a provision of this Act may be satisfied by consultation carried out before the provision comes into force.

134 Regulations requiring provision of information: confidentiality and data protection

(1) Regulations under sections 39, 49, 50 and 87 may provide that a disclosure of information by a person in accordance with the regulations does not breach—

(a) any obligation of confidence owed by the person in relation to the information, or

(b) any other restriction on the disclosure of information (however imposed).

(2) Ond gweler hefyd adran 183A o Ddeddf Diogelu Data 2018 (p. 12) (diogelu gofynion ar gyfer prosesau data personol).

135 Rheoliadau o dan y Ddeddf hon: darpariaethau atodol a gweithdrefnol

(1) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon yn cynnwys pŵer i wneud—

(a) darpariaeth ganlyniadol, darpariaeth atodol, darpariaeth ddeilliadol, darpariaeth drosiannol neu ddarpariaeth arbed;

(b) darpariaeth wahanol at ddibenion gwahanol (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).

(2) Mae pŵer i wneud rheoliadau ynghylch y ffurf neu'r ffordd y mae unrhyw ddogfen neu beth arall i'w rhoi neu i'w roi i awdurdod diogelwch adeiladau neu awdurdod diogelwch tân yn cynnwys pŵer i ddarparu ei bod i'w rhoi neu ei fod i'w roi ar ffurf neu mewn ffordd a bennir mewn cyfarwyddyd a roddir ac a gyhoeddir gan yr awdurdod yn unol â'r rheoliadau.

(3) Rhaid i bŵer i wneud rheoliadau o dan y Ddeddf hon gael ei arfer drwy offeryn statudol Cymreig.

(4) Mae rheoliadau y mae'r is-adran hon yn gymwys iddynt yn ddarostyngedig i weithdrefn gymeradwyo'r Senedd.

(5) Mae is-adran (4) yn gymwys i reoliadau o dan unrhyw un neu ragor o'r darpariaethau a ganlyn—

(a) adran 4(6);

(b) adran 5(5);

(c) adran 6(6);

(d) adran 13(3);

(e) adran 15;

(f) adran 16;

(g) adran 17 (gweler hefyd adran 77 am ddarpariaeth bellach ynghylch offeryn statudol Cymreig sy'n cynnwys rheoliadau o dan adran 17);

(h) adran 28(2) (gweler hefyd adran 77 am ddarpariaeth bellach ynghylch offeryn statudol Cymreig sy'n cynnwys rheoliadau o dan adran 28(2));

(i) adran 31(2);

(j) adran 42(9);

(k) adran 46;

(l) adran 50;

(m) adran 63(4);

(n) adran 66;

(o) adran 69;

(p) adran 75 (gweler hefyd adran 77 am ddarpariaeth bellach ynghylch offeryn statudol Cymreig sy'n cynnwys rheoliadau o dan adran 75);

(2) But see also section 183A of the Data Protection Act 2018 (c. 12) (protection of requirements for processing personal data).

135 Regulations under this Act: supplementary and procedural provisions

(1) A power to make regulations under this Act includes power to make—

(a) consequential, supplementary, incidental, transitional or saving provision;

(b) different provision for different purposes (including different provision for buildings of different descriptions, whether by reference to the categories set out in section 6 or any other matter).

(2) A power to make regulations about the form or way in which any document or other thing is to be given to a building safety authority or fire safety authority includes power to provide that it is to be given in a form or way specified in a direction given and published by the authority in accordance with the regulations.

(3) A power to make regulations under this Act must be exercised by Welsh statutory instrument.

(4) Regulations to which this subsection applies are subject to the Senedd approval procedure.

(5) Subsection (4) applies to regulations under any of the following provisions—

(a) section 4(6);

(b) section 5(5);

(c) section 6(6);

(d) section 13(3);

(e) section 15;

(f) section 16;

(g) section 17 (see also section 77 for further provision about a Welsh statutory instrument containing regulations under section 17);

(h) section 28(2) (see also section 77 for further provision about a Welsh statutory instrument containing regulations under section 28(2));

(i) section 31(2);

(j) section 42(9);

(k) section 46;

(l) section 50;

(m) section 63(4);

(n) section 66;

(o) section 69;

(p) section 75 (see also section 77 for further provision about a Welsh statutory instrument containing regulations under section 75);

(q) adran 78(8);

(r) adran 84(4);

(s) adran 99(7);

(t) Rhan 4;

(u) paragraff 21(3) o Atodlen 2;

(v) paragraff 1(5) o Atodlen 4.

(6) Mae is-adran (4) hefyd yn gymwys i reoliadau o dan adran 137(3) sy'n diwygio neu'n diddymu unrhyw ddarpariaeth mewn deddfwriaeth sylfaenol.

(7) Mae unrhyw reoliadau eraill o dan y Ddeddf hon yn ddarostyngedig i weithdrefn annilysu'r Senedd.

(8) Yn is-adran (6), ystyr "deddfwriaeth sylfaenol" yw—

(a) Deddf gan Senedd Cymru;

(b) Mesur Cynulliad;

(c) Deddf gan Senedd y Deyrnas Unedig.

136 Dehongli

(1) Yn y Ddeddf hon—

mae "adeilad categori 1" ("*category 1 building*"), "adeilad categori 2" ("*category 2 building*") ac "adeilad categori 3" ("*category 3 building*") i'w dehongli yn unol ag adrannau 6 a 7;

mae "adeilad rheoleiddiedig" ("*regulated building*") i'w ddehongli yn unol ag adrannau 2 a 7;

mae i "adroddiad achos diogelwch" ("*safety case report*") yr ystyr a roddir gan adran 37(2);

mae i "asesiad risg strwythurol" ("*structural risk assessment*") yr ystyr a roddir gan adran 34(2);

mae i "asesiad risg tân" ("*fire risk assessment*") yr ystyr a roddir gan adran 29(3);

mae i "asesiad risg tân ar dŷ amlfeddiannaeth" ("*HMO fire risk assessment*") yr ystyr a roddir gan adran 81(2);

mae "awdurdod diogelwch adeiladau" ("*building safety authority*"), a chyfeiriadau at yr awdurdod diogelwch adeiladau ar gyfer adeilad rheoleiddiedig, i'w dehongli yn unol ag adran 122;

mae "awdurdod diogelwch tân" ("*fire safety authority*"), a chyfeiriadau at yr awdurdod diogelwch tân ar gyfer adeilad rheoleiddiedig neu dŷ amlfeddiannaeth perthnasol, i'w dehongli yn unol ag adran 126;

mae i "awdurdod gorfodi" ("*enforcing authority*") yr ystyr a roddir gan adran 94(4);

mae i "awdurdod tai lleol" ("*local housing authority*") ac "yr awdurdod tai lleol" ("*the local housing authority*") yr ystyron a roddir i "local housing authority" a "the local housing authority" gan adran 261 o Ddeddf Tai 2004 (p. 34);

(q) section 78(8);

(r) section 84(4);

(s) section 99(7);

(t) Part 4;

(u) paragraph 21(3) of Schedule 2;

(v) paragraph 1(5) of Schedule 4.

(6) Subsection (4) also applies to regulations under section 137(3) that amend or repeal any provision of primary legislation.

(7) Any other regulations under this Act are subject to the Senedd annulment procedure.

(8) In subsection (6) "primary legislation" means—

(a) an Act of Senedd Cymru;

(b) an Assembly Measure;

(c) an Act of the Parliament of the United Kingdom.

136 Interpretation

(1) In this Act—

"accountable person" ("*person atebol*"), in relation to a regulated building, has the meaning given by section 8;

"adult resident" ("*preswylydd sy'n oedolyn*") means a resident aged 18 or over;

"building certificate" ("*tystysgrif adeilad*") means a certificate issued under section 44;

"building control approval" ("*cymeradwyaeth rheolaeth adeiladu*") has the meaning given by paragraph 1B of Schedule 1 to the Building Act 1984 (c. 55);

"building safety authority ("*awdurdod diogelwch adeiladau*"), and references to the building safety authority for a regulated building, are to be interpreted in accordance with section 122;

"category 1 building" ("*adeilad categori 1*"), "category 2 building" ("*adeilad categori 2*") and "category 3 building" ("*adeilad categori 3*") are to be interpreted in accordance with sections 6 and 7;

"common parts" ("*rhannau cyffredin*"), in relation to a regulated building, has the meaning given by section 13;

"compliance notice" ("*hysbysiad cydymffurfio*") means a notice given under section 96;

"the Crown" ("*y Goron*") is to be treated as including the Senedd Commission;

"Crown premises" ("*mangreoedd y Goron*") means premises owned, or occupied for any purpose, by the Crown;

mae i "caniatâd cynllunio" yr ystyr a roddir i "planning permission" gan adran 336(1) o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8);

ystyr "cofrestredig" ("*registered*"), mewn perthynas ag adeilad categori 1 neu adeilad categori 2, yw cofrestredig o dan adran 20;

mae i "cymeradwyaeth rheolaeth adeiladu" yr ystyr a roddir i "building control approval" gan baragraff 1B o Atodlen 1 i Ddeddf Adeiladu 1984 (p. 55);

mae "deddfiad" ("*enactment*") yn cynnwys unrhyw ddeddfiad, pryd bynnag y'i pasiwyd neu y'i gwnaed;

mae i "deiliad dyletswydd" ("*duty holder*"), mewn perthynas â thŷ amlfeddiannaeth perthnasol, yr ystyr a roddir gan adran 79;

ystyr "y Gorchymyn Diogelwch Tân" ("*the Fire Safety Order*") yw Gorchymyn Diwygio Rheoleiddio (Diogelwch Tân) 2005 (O.S. 2005/1541);

ystyr "gorchymyn mesurau arbennig" ("*special measures order*") yw gorchymyn o dan adran 109;

mae "y Goron" ("*the Crown*") i'w drin fel pe bai'n cynnwys Comisiwn y Senedd;

ystyr "hysbysiad cydymffurfio" ("*compliance notice*") yw hysbysiad a roddir o dan adran 96;

ystyr "hysbysiad gwahardd" ("*prohibition notice*") yw hysbysiad a roddir o dan adran 98;

ystyr "hysbysiad gwybodaeth"("*information notice*") yw hysbysiad a roddir o dan adran 95;

mae i "landlord" ("*landlord*"), mewn perthynas â thŷ amlfeddiannaeth perthnasol, yr ystyr a roddir gan adran 79;

ystyr "landlord cymdeithasol cofrestredig" ("*registered social landlord*") yw corff sydd wedi ei gofrestru fel landlord cymdeithasol o dan Bennod 1 o Ran 1 o Ddeddf Tai 1996 (p. 52);

ystyr "mangreoedd y Goron" ("*Crown premises*") yw mangreoedd y mae'r Goron yn berchen arnynt, neu a feddiennir at unrhyw ddiben gan y Goron;

ystyr "perchennog" ("*owner*"), mewn perthynas ag uned breswyl neu unrhyw fangre arall, yw person—

(a) sydd am y tro yn cael crogrent y fangre, pa un ai yn uniongyrchol neu drwy asiant neu ymddiriedolwr, neu

(b) a fyddai'n cael y crogrent pe bai'r fangre yn cael ei gosod am grogrent,

ac at y diben hwn, mae i "crogrent" yr ystyr a roddir i "rackrent" gan adran 126 o Ddeddf Adeiladu 1984 (p. 55);

mae i "person atebol" ("*accountable person*"), mewn perthynas ag adeilad rheoleiddiedig, yr ystyr a roddir gan adran 8;

mae i "person cyfrifol" ("*responsible person*") yr ystyr a roddir gan erthygl 3 o'r Gorchymyn Diogelwch Tân;

ystyr "preswylydd" ("*resident*"), mewn perthynas ag adeilad rheoleiddiedig neu ran o adeilad o'r fath, yw preswylydd uned breswyl yn yr adeilad neu'r rhan;

"duty holder" ("*deiliad dyletswydd*"), in relation to a relevant HMO, has the meaning given by section 79;

"enactment" ("*deddfiad*") includes any enactment whenever passed or made;

"enforcing authority" ("*awdurdod gorfodi*") has the meaning given by section 94(4);

"fire" ("*tân*") includes heat, flames, smoke and other gases or substances emitted by a fire;

"fire risk assessment" ("*asesiad risg tân*") has the meaning given by section 29(3);

"fire safety authority" ("*awdurdod diogelwch tân*"), and references to the fire safety authority for a regulated building or a relevant HMO, are to be interpreted in accordance with section 126;

"the Fire Safety Order" ("*y Gorchymyn Diogelwch Tân*") means the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541);

"fire safety risk" ("*risg diogelwch tân*")—

(a) in relation to a regulated building, has the meaning given by section 27(2);

(b) in relation to a relevant HMO, has the meaning given by section 80;

"HMO fire risk assessment" ("*asesiad risg tân ar dy amlfeddiannaeth*") has the meaning given by section 81(2);

"information notice" ("*hysbysiad gwybodaeth*") means a notice given under section 95;

"landlord" ("*landlord*"), in relation to a relevant HMO, has the meaning given by section 79;

"local housing authority" ("*awdurdod tai lleol*") and "the local housing authority" ("*yr awdurdod tai lleol*") have the meanings given by section 261 of the Housing Act 2004 (c. 34);

"occupied" ("*wedi ei feddiannu*"), in relation to a regulated building, means that there are residents of more than one residential unit in the building;

"occurrence recording system" ("*system cofnodi achlysuron*") means a system established and operated under section 38;

"owner" ("*perchennog*"), in relation to a residential unit or any other premises, means a person who—

(a) is for the time being receiving the rackrent of the premises, whether directly or through an agent or trustee, or

(b) would so receive the rackrent if the premises were let at a rackrent,

and for this purpose "rackrent" has the meaning given by section 126 of the Building Act 1984 (c. 55);

"planning permission" ("*caniatâd cynllunio*") has the meaning given by section 336(1) of the Town and Country Planning Act 1990 (c. 8);

"principal accountable person" ("*prif berson atebol*"), in relation to a regulated building, has the meaning given by section 9;

"prohibition notice" ("*hysbysiad gwahardd*") means a notice given under section 98;

ystyr "preswylydd sy'n oedolyn" ("*adult resident*") yw preswylydd sy'n 18 oed neu'n hŷn;

mae i "prif berson atebol" ("*principal accountable person*"), mewn perthynas ag adeilad rheoleiddiedig, yr ystyr a roddir gan adran 9;

mae i "risg diogelwch tân" ("*fire safety risk*")—

(a) mewn perthynas ag adeilad rheoleiddiedig, yr ystyr a roddir gan adran 27(2);

(b) mewn perthynas â thŷ amlfeddiannaeth perthnasol, yr ystyr a roddir gan adran 80;

mae i "risg diogelwch strwythurol" ("*structural safety risk*") yr ystyr a roddir gan adran 27(3);

mae i "rhannau cyffredin" ("*common parts*"), mewn perthynas ag adeilad rheoleiddiedig, yr ystyr a roddir gan adran 13;

ystyr "rheolwr mesurau arbennig" ("*special measures manager*") yw person a benodir drwy orchymyn mesurau arbennig;

mae i "strategaeth ymgysylltu â phreswylwyr" ("*residents' engagement strategy*") yr ystyr a roddir gan adran 40(2);

ystyr "system cofnodi achlysuron" ("*occurrence recording system*") yw system a sefydlir ac a weithredir o dan adran 38;

mae "tân" ("*fire*") yn cynnwys gwres, fflamau, mwg a nwyon neu sylweddau eraill a allyrrir gan dân;

mae "tŷ amlfeddiannaeth perthnasol" ("*relevant HMO*") i'w ddehongli yn unol ag adran 78;

ystyr "tystysgrif adeilad" ("*building certificate*") yw tystysgrif a ddyroddir o dan adran 44;

mae i "uned breswyl" ("*residential unit*") yr ystyr a roddir gan adran 5;

ystyr "wedi ei feddiannu" ("*occupied*"), mewn perthynas ag adeilad rheoleiddiedig, yw bod preswylwyr o fwy nag un uned breswyl yn yr adeilad.

(2) Yn y Ddeddf hon, mae cyfeiriadau at y rhan o adeilad rheoleiddiedig y mae person atebol yn gyfrifol amdani i'w dehongli yn unol ag adran 16.

(3) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch ystyr bod yn "preswylydd" uned breswyl.

137 Darpariaeth ganlyniadol a darpariaeth drosiannol etc.

(1) Mae Atodlen 3 yn cynnwys mân ddiwygiadau a diwygiadau canlyniadol i ddeddfiadau.

(2) Mae Atodlen 4 yn cynnwys darpariaethau trosiannol a darpariaethau arbed mewn cysylltiad â'r diwygiadau i'r Gorchymyn Diogelwch Tân.

(3) Caiff Gweinidogion Cymru drwy reoliadau—

(a) gwneud darpariaeth sy'n ddeilliadol neu'n atodol i unrhyw ddarpariaeth yn y Ddeddf hon, neu sy'n ganlyniadol ar unrhyw ddarpariaeth yn y Ddeddf hon;

"registered" ("*cofrestredig*"), in relation to a category 1 building or a category 2 building, means registered under section 20;

"registered social landlord" ("*landlord cymdeithasol cofrestredig*") means a body registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996 (c. 52);

"regulated building" ("*adeilad rheoleiddiedig*") is to be interpreted in accordance with sections 2 and 7;

"relevant HMO" ("*tŷ amlfeddiannaeth perthnasol*") is to be interpreted in accordance with section 78;

"resident" ("*preswylydd*"), in relation to a regulated building or a part of such a building, means a resident of a residential unit in the building or part;

"residential unit" ("*uned breswyl*") has the meaning given by section 5;

"residents' engagement strategy" ("*strategaeth ymgysylltu â phreswylwyr*") has the meaning given by section 40(2);

"responsible person" ("*person cyfrifol*") has the meaning given by article 3 of the Fire Safety Order;

"safety case report" ("*adroddiad achos diogelwch*") has the meaning given by section 37(2);

"special measures manager" ("*rheolwr mesurau arbennig*") means a person appointed by a special measures order;

"special measures order" ("*gorchymyn mesurau arbennig*") means an order under section 109;

"structural risk assessment" ("*asesiad risg strwythurol*") has the meaning given by section 34(2);

"structural safety risk" ("*risg diogelwch strwythurol*") has the meaning given by section 27(3).

(2) In this Act, references to the part of a regulated building for which an accountable person is responsible are to be interpreted in accordance with section 16.

(3) The Welsh Ministers may by regulations make provision about the meaning of being a "resident" of a residential unit.

137 Consequential and transitional provision etc.

(1) Schedule 3 contains minor and consequential amendments to enactments.

(2) Schedule 4 contains transitional and saving provisions in connection with the amendments to the Fire Safety Order.

(3) The Welsh Ministers may by regulations—

(a) make provision that is incidental or supplementary to, or consequential on, any provision of this Act;

(b) gwneud darpariaeth drosiannol neu ddarpariaeth arbed mewn cysylltiad ag unrhyw ddarpariaeth yn y Ddeddf hon.

(4) Caiff rheoliadau o dan is-adran (3) ddiwygio, diddymu neu ddirymu unrhyw ddeddfiad (gan gynnwys unrhyw ddarpariaeth yn y Ddeddf hon).

138 Dod i rym

(1) Daw'r darpariaethau a ganlyn i rym drannoeth y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol—

(a) adrannau 1 i 9;

(b) adrannau 13 i 17;

(c) adrannau 133 i 136;

(d) adran 137(3) a (4);

(e) yr adran hon;

(f) adran 140.

(2) Daw darpariaethau eraill y Ddeddf hon i rym ar ddiwrnod a bennir gan Weinidogion Cymru mewn gorchymyn a wneir drwy offeryn statudol Cymreig.

(3) Caiff gorchymyn o dan is-adran (2) wneud darpariaeth drosiannol neu ddarpariaeth arbed.

139 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.

140 Enw byr

Caniateir cyfeirio at y Ddeddf hon fel—

(a) Deddf Diogelwch Adeiladau (Cymru) 2026, neu

(b) the Building Safety (Wales) Act 2026.

(b) make transitional or saving provision in connection with any provision of this Act.

(4) Regulations under subsection (3) may amend, repeal or revoke any enactment (including any provision of this Act).

138 Coming into force

(1) The following provisions come into force on the day after the day on which this Act receives Royal Assent—

(a) sections 1 to 9;

(b) sections 13 to 17;

(c) sections 133 to 136;

(d) section 137(3) and (4);

(e) this section;

(f) section 140.

(2) The other provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by Welsh statutory instrument.

(3) An order under subsection (2) may make transitional or saving provision.

139 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.

140 Short title

This Act may be referred to as—

(a) the Building Safety (Wales) Act 2026, or

(b) Deddf Diogelwch Adeiladau (Cymru) 2026.

ATODLEN 1

(a gyflwynir gan adran 2(2))

ADEILADAU SYDD WEDI EU HEITHRIO RHAG BOD YN ADEILADAU RHEOLEIDDIEDIG

1 Adeilad a ddefnyddir yn unig at ddibenion un neu ragor o'r hyn a ganlyn—

(a) lluoedd arfog y Goron;

(b) llu ar ymweliad o fewn yr ystyr a roddir i "visiting force" gan Ran 1 o Ddeddf Lluoedd ar Ymweliad 1952 (p. 67);

(c) pencadlys rhyngwladol neu sefydliad amddiffyn a ddynodir at ddibenion Deddf Pencadlys Rhyngwladol a Sefydliadau Amddiffyn 1964 (p. 5).

2 Adeilad a leolir o fewn mangre a ddefnyddir yn unig at ddibenion lluoedd arfog y Goron ond nad yw'r adeilad ei hun yn cael ei ddefnyddio felly.

3 (1) Adeilad a ddefnyddir yn unig ar gyfer darparu llety preswyl diogel.

(2) Yn y paragraff hwn, mae "llety preswyl diogel" yn cynnwys carchar, sefydliad troseddwyr ifanc, canolfan gadw, canolfan hyfforddi ddiogel, dalfa, canolfan aros tymor byr, ysbyty diogel, llety diogel awdurdod lleol a mangre a gymeradwyir o dan adran 13(1) o Ddeddf Rheoli Troseddwyr 2007 (p. 21).

4 Adeilad a ddefnyddir yn unig fel un neu ragor o'r hyn a ganlyn—

(a) ysbyty gwasanaeth iechyd o fewn yr ystyr a roddir i "health service hospital" gan adran 206 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42);

(b) ysbyty annibynnol o fewn yr ystyr a roddir i "independent hospital" gan adran 2 o Ddeddf Safonau Gofal 2000 (p. 14).

5 Adeilad a ddefnyddir yn unig ar gyfer darparu gwasanaeth cartref gofal o fewn yr ystyr a roddir gan Ran 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2).

6 Adeilad a ddefnyddir yn unig fel ysgol o fewn yr ystyr a roddir i "school" gan adran 4 o Ddeddf Addysg 1996 (p. 56).

SCHEDULE 1

(introduced by section 2(2))

BUILDINGS THAT ARE EXCLUDED FROM BEING REGULATED BUILDINGS

1 A building that is used solely for the purposes of one or more of the following—

(a) the armed forces of the Crown;

(b) a visiting force within the meaning given by Part 1 of the Visiting Forces Act 1952 (c. 67);

(c) an international headquarters or defence organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964 (c. 5).

2 A building that is situated within premises that are used solely for the purposes of the armed forces of the Crown but that is not itself so used.

3 (1) A building that is used solely for the provision of secure residential accommodation.

(2) In this paragraph, "secure residential accommodation" includes a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation and premises approved under section 13(1) of the Offender Management Act 2007 (c. 21).

4 A building that is used solely as one or more of the following–

(a) a health service hospital within the meaning given by section 206 of the National Health Service (Wales) Act 2006 (c. 42);

(b) an independent hospital within the meaning given by section 2 of the Care Standards Act 2000 (c. 14).

5 A building that is used solely for the provision of a care home service within the meaning given by Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).

6 A building that is used solely as a school within the meaning given by section 4 of the Education Act 1996 (c. 56).

ATODLEN 2
(a gyflwynir gan adran 109)

GORCHMYNION MESURAU ARBENNIG

RHAN 1

Y WEITHDREFN CYN GWNEUD CAIS AM ORCHYMYN MESURAU ARBENNIG

Rhagarweiniol

1 (1) Ni chaiff yr awdurdod diogelwch adeiladau ar gyfer adeilad categori 1 wneud cais i dribiwnlys eiddo preswyl am orchymyn mesurau arbennig mewn perthynas â'r adeilad oni bai—

(a) ei fod wedi cydymffurfio â gofynion y Rhan hon, a

(b) bod yr awdurdod diogelwch tân ar gyfer yr adeilad yn cytuno i'r cais gael ei wneud.

(2) Ni chaiff yr awdurdod diogelwch tân ar gyfer adeilad categori 1 wneud cais i dribiwnlys eiddo preswyl am orchymyn mesurau arbennig mewn perthynas â'r adeilad oni bai—

(a) ei fod wedi cydymffurfio â gofynion y Rhan hon, a

(b) bod yr awdurdod diogelwch adeiladau ar gyfer yr adeilad yn cytuno i'r cais gael ei wneud.

Hysbysiad bod yr awdurdod yn bwriadu gwneud cais am orchymyn mesurau arbennig

2 (1) Rhaid i awdurdod diogelwch adeiladau neu awdurdod diogelwch tân sy'n bwriadu gwneud cais am orchymyn mesurau arbennig mewn perthynas ag adeilad categori 1 roi hysbysiad o'r cynnig i bob person arall sy'n berson a chanddo fuddiant mewn perthynas â'r adeilad.

(2) Rhaid i'r hysbysiad o'r cynnig—

(a) nodi bod yr awdurdod yn bwriadu gwneud cais am orchymyn mesurau arbennig mewn perthynas â'r adeilad;

(b) rhoi cyfeiriad yr adeilad;

(c) rhoi rhesymau'r awdurdod dros gynnig gwneud y cais;

(d) nodi telerau'r gorchymyn y mae'r awdurdod yn bwriadu gwahodd y tribiwnlys eiddo preswyl i'w wneud, gan gynnwys enw a chyfeiriad y rheolwr mesurau arbennig arfaethedig;

(e) pennu cyfnod y caiff personau a chanddynt fuddiant wneud sylwadau ynddo mewn ymateb i'r hysbysiad;

(f) datgan bod rhaid gwneud unrhyw sylwadau yn ysgrifenedig a'u hanfon i gyfeiriad post neu gyfeiriad e-bost a bennir yn yr hysbysiad.

SCHEDULE 2

(introduced by section 109)

SPECIAL MEASURES ORDERS

PART 1

PROCEDURE BEFORE APPLYING FOR SPECIAL MEASURES ORDER

Introductory

1 (1) The building safety authority for a category 1 building may not apply to a residential property tribunal for a special measures order in relation to the building unless—

(a) it has complied with the requirements of this Part, and

(b) the fire safety authority for the building agrees to the making of the application.

(2) The fire safety authority for a category 1 building may not apply to a residential property tribunal for a special measures order in relation to the building unless—

(a) it has complied with the requirements of this Part, and

(b) the building safety authority for the building agrees to the making of the application.

Notice that authority proposes to apply for special measures order

2 (1) A building safety authority or fire safety authority that proposes to apply for a special measures order in relation to a category 1 building must give notice of the proposal to every other person who is an interested person in relation to the building.

(2) The notice of the proposal must—

(a) state that the authority proposes to apply for a special measures order in relation to the building;

(b) give the address of the building;

(c) give the authority's reasons for proposing to make the application;

(d) set out the terms of the order that the authority proposes to invite the residential property tribunal to make, including the name and address of the proposed special measures manager;

(e) specify a period in which interested persons may make representations in response to the notice;

(f) state that any representations must be made in writing and sent to a postal or email address specified in the notice.

Hysbysiad o benderfyniad yr awdurdod ynghylch a ddylid gwneud cais am orchymyn

3 (1) Mae'r paragraff hwn yn gymwys pan fo awdurdod diogelwch adeiladau neu awdurdod diogelwch tân wedi rhoi hysbysiad o dan baragraff 2 o gynnig i wneud cais am orchymyn mesurau arbennig mewn perthynas ag adeilad categori 1.

(2) Ar ôl diwedd y cyfnod a grybwyllir ym mharagraff 2(2)(e) rhaid i'r awdurdod—

(a) penderfynu pa un ai i wneud y cais, a

(b) rhoi hysbysiad o'i benderfyniad i bob person arall sy'n berson a chanddo fuddiant mewn perthynas â'r adeilad.

(3) Rhaid i'r hysbysiad hwnnw o'r penderfyniad—

(a) datgan pa un a yw'r awdurdod yn bwriadu gwneud y cais ai peidio;

(b) rhoi ei resymau dros ddod i'r penderfyniad hwnnw;

(c) os yw'r awdurdod yn bwriadu gwneud y cais, nodi telerau'r gorchymyn y mae'r awdurdod yn bwriadu gwahodd y tribiwnlys eiddo preswyl i'w wneud, gan gynnwys enw a chyfeiriad y rheolwr mesurau arbennig arfaethedig.

Gofyniad i gynnwys cynnig rheoli ariannol gyda hysbysiad o gynnig neu benderfyniad

4 (1) Mae'r paragraff hwn yn gymwys pan fo awdurdod diogelwch adeiladau neu awdurdod diogelwch tân yn rhoi i berson a chanddo fuddiant—

(a) hysbysiad o dan baragraff 2, neu

(b) hysbysiad o dan baragraff 3 sy'n datgan bod yr awdurdod yn bwriadu gwneud cais am orchymyn mesurau arbennig.

(2) Os yw'r telerau a nodir yn yr hysbysiad yn unol â pharagraff 2(2)(d) neu 3(3)(c) yn cynnwys teler sy'n ei gwneud yn ofynnol i berson atebol perthnasol wneud taliadau i'r rheolwr mesurau arbennig, rhaid i'r awdurdod gynnwys cynnig rheoli ariannol gyda'r hysbysiad.

(3) Mae cynnig rheoli ariannol yn ddogfen sy'n nodi—

(a) amcangyfrif o'r costau y mae'r awdurdod yn disgwyl i reolwr mesurau arbennig ar gyfer yr adeilad categori 1 fynd iddynt mewn cysylltiad ag arfer swyddogaethau'r rheolwr mewn perthynas â'r adeilad (gan gynnwys swm rhesymol ar gyfer digwyddiadau annisgwyl),

(b) y mesurau y mae'r costau amcangyfrifedig yn ymwneud â hwy, ac

(c) os oes mwy nag un person atebol perthnasol—

(i) dosraniad arfaethedig yr awdurdod o'r costau amcangyfrifedig rhwng y personau atebol perthnasol, a

(ii) y rhesymau dros y cynnig hwnnw (gan gynnwys unrhyw gyfrifiad sy'n arwain ato).

(4) Yn y paragraff hwn ystyr "person atebol perthnasol" yw person atebol y byddai'r gorchymyn mesurau arbennig arfaethedig yn gymwys i'w swyddogaethau diogelwch adeiladau.

Notice of authority's decision whether to apply for order

3 (1) This paragraph applies where a building safety authority or fire safety authority has given a notice under paragraph 2 of a proposal to apply for a special measures order in relation to a category 1 building.

(2) After the end of the period mentioned in paragraph 2(2)(e) the authority must—

(a) decide whether to make the application, and

(b) give notice of its decision to every other person who is an interested person in relation to the building.

(3) That notice of the decision must—

(a) state whether or not the authority intends to make the application;

(b) give its reasons for reaching that decision;

(c) if the authority intends to make the application, set out the terms of the order that the authority intends to invite the residential property tribunal to make, including the name and address of the proposed special measures manager.

Requirement to include financial management proposal with notice of proposal or decision

4 (1) This paragraph applies where a building safety authority or fire safety authority gives to an interested person—

(a) a notice under paragraph 2, or

(b) a notice under paragraph 3 stating that the authority intends to apply for a special measures order.

(2) If the terms set out in the notice in accordance with paragraph 2(2)(d) or 3(3)(c) include a term requiring a relevant accountable person to make payments to the special measures manager, the authority must include a financial management proposal with the notice.

(3) A financial management proposal is a document setting out—

(a) an estimate of the costs that the authority expects a special measures manager for the category 1 building to incur in connection with the exercise of the manager's functions in relation to the building (including a reasonable amount for contingencies),

(b) the measures to which the estimated costs relate, and

(c) if there is more than one relevant accountable person—

(i) the authority's proposed apportionment of the estimated costs between the relevant accountable persons, and

(ii) the reasons for that proposal (including any calculation giving rise to it).

(4) In this paragraph "relevant accountable person" means an accountable person to whose building safety functions the proposed special measures order would apply.

Darpariaeth bellach ynghylch rhoi hysbysiadau o dan y Rhan hon

5 (1) Nid yw paragraffau 2 i 4 yn ei gwneud yn ofynnol i awdurdod diogelwch adeiladau neu awdurdod diogelwch tân roi hysbysiad neu gynnig rheoli ariannol i berson a chanddo fuddiant—

(a) os nad yw'r awdurdod yn ymwybodol o'r person, a

(b) os yw'r awdurdod wedi cymryd pob cam rhesymol i adnabod y personau sy'n bersonau a chanddynt fuddiant mewn perthynas â'r adeilad categori 1 y mae'r hysbysiad neu'r cynnig yn ymwneud ag ef.

(2) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch hysbysiadau o dan y Rhan hon, gan gynnwys yn benodol ddarpariaeth ynghylch—

(a) ffurf hysbysiad;

(b) sut y mae rhaid rhoi hysbysiad.

RHAN 2

DARPARIAETH BELLACH YNGHYLCH EFFAITH GORCHYMYN MESURAU ARBENNIG AC YNGHYLCH EI WEITHREDU

Swyddogaethau i'w cyflawni gan reolwr mesurau arbennig

6 (1) Mae'r paragraff hwn yn gymwys tra bo gorchymyn mesurau arbennig mewn grym mewn perthynas â swyddogaethau diogelwch adeiladau person atebol ar gyfer adeilad categori 1.

(2) Mae'r swyddogaethau hynny, ac eithrio unrhyw swyddogaethau sy'n ymwneud â gwneud cais neu apêl i dribiwnlys eiddo preswyl, i'w trin fel swyddogaethau'r rheolwr mesurau arbennig a benodir gan y gorchymyn (ac ni chaniateir i'r person atebol eu harfer).

(3) Mae unrhyw swyddogaethau diogelwch adeiladau'r person atebol sy'n ymwneud â gwneud cais neu apêl i dribiwnlys eiddo preswyl i'w trin fel swyddogaethau'r person atebol a'r rheolwr mesurau arbennig (a chaniateir eu harfer gan y naill neu'r llall ohonynt).

Effaith gorchymyn mesurau arbennig ar hysbysiadau cydymffurfio

7 Pan wneir gorchymyn mesurau arbennig mewn perthynas â swyddogaethau diogelwch adeiladau person atebol ar gyfer adeilad categori 1, mae unrhyw hysbysiad cydymffurfio a roddir i'r person atebol hwnnw yn peidio â chael effaith (ond nid yw hyn yn effeithio ar unrhyw atebolrwydd yr aed iddo o ganlyniad i fethiant i gydymffurfio â'r hysbysiad a ddigwyddodd cyn i'r gorchymyn gael ei wneud).

Effaith gorchymyn mesurau arbennig ar gontractau perthnasol

8 (1) Mae'r paragraff hwn yn gymwys pan fo—

(a) gorchymyn mesurau arbennig yn darparu bod swyddogaethau diogelwch adeiladau person atebol ar gyfer adeilad categori 1 i'w cyflawni gan reolwr mesurau arbennig, a

(b) y rheolwr yn rhoi i bartïon i gontract perthnasol hysbysiad yn datgan bod y paragraff hwn i fod yn gymwys i'r contract.

Further provision about giving notices under this Part

5 (1) Paragraphs 2 to 4 do not require a building safety authority or fire safety authority to give a notice or financial management proposal to an interested person if the authority—

(a) is not aware of the person, and

(b) has taken all reasonable steps to identify the persons who are interested persons in relation to the category 1 building to which the notice or proposal relates.

(2) The Welsh Ministers may by regulations make provision about notices under this Part, including in particular provision about—

(a) the form of a notice;

(b) how a notice must be given.

PART 2

FURTHER PROVISION ABOUT EFFECT AND IMPLEMENTATION OF SPECIAL MEASURES ORDER

Functions to be carried out by special measures manager

6 (1) This paragraph applies while a special measures order is in force in relation to the building safety functions of an accountable person for a category 1 building.

(2) Those functions, except any functions relating to the making of an application or appeal to a residential property tribunal, are to be treated as functions of the special measures manager appointed by the order (and may not be exercised by the accountable person).

(3) Any building safety functions of the accountable person relating to the making of an application or appeal to a residential property tribunal are to be treated as functions of the accountable person and the special measures manager (and may be exercised by either of them).

Effect of special measures order on compliance notices

7 Where a special measures order is made in relation to the building safety functions of an accountable person for a category 1 building, any compliance notice given to that accountable person ceases to have effect (but this does not affect any liability incurred as a result of a failure to comply with the notice that took place before the order was made).

Effect of special measures order on relevant contracts

8 (1) This paragraph applies where—

(a) a special measures order provides that the building safety functions of an accountable person for a category 1 building are to be carried out by a special measures manager, and

(b) the manager gives to the parties to a relevant contract a notice stating that this paragraph is to apply to the contract.

(2) Tra bo'r gorchymyn mewn grym, mae'r contract perthnasol yn cael effaith fel pe bai hawliau ac atebolrwyddau perthnasol y person atebol sy'n codi o dan y contract yn hawliau ac atebolrwyddau'r rheolwr.

(3) Ystyr "contract perthnasol" yw contract (gan gynnwys les) y bodlonir yr amodau a ganlyn mewn perthynas ag ef—

(a) bod y contract yn effeithiol ar y diwrnod y gwneir y gorchymyn mesurau arbennig,

(b) bod y person atebol yn barti i'r contract,

(c) bod un neu ragor o hawliau neu atebolrwyddau'r person atebol o dan y contract yn hawliau neu'n atebolrwyddau perthnasol, a

(d) bod y gorchymyn mesurau arbennig yn darparu—

(i) bod y contract yn gontract perthnasol, neu

(ii) bod contractau o ddisgrifiad sy'n ei gynnwys yn gontractau perthnasol.

(4) Mae hawl neu atebolrwydd y person atebol yn "hawl neu atebolrwydd perthnasol" os yw'n ymwneud â swyddogaeth diogelwch adeiladau'r person atebol mewn perthynas â'r adeilad categori 1.

(5) Rhaid i'r hysbysiad o dan is-baragraff (1)(b) ddatgan ba hawliau neu atebolrwyddau'r person atebol o dan y contract perthnasol sy'n hawliau neu'n atebolrwyddau perthnasol.

Effaith gorchymyn mesurau arbennig ar achosion cyfreithiol

9 (1) Mae'r paragraff hwn yn gymwys pan fo—

(a) gorchymyn mesurau arbennig yn darparu bod swyddogaethau diogelwch adeiladau person atebol ar gyfer adeilad categori 1 i'w cyflawni gan reolwr mesurau arbennig, a

(b) y rheolwr yn rhoi hysbysiad i unrhyw berson y mae'r rheolwr yn ystyried y byddai ganddo fuddiant mewn sail achos perthnasol sy'n datgan bod y paragraff hwn i fod yn gymwys i'r sail achos.

(2) Tra bo'r gorchymyn mewn grym, caiff y rheolwr ddwyn y sail achos perthnasol, parhau â'r sail achos perthnasol neu amddiffyn y sail achos perthnasol.

(3) Mae sail achos yn "sail achos perthnasol" os—

(a) y gwnaeth gronni i'r person atebol neu yn ei erbyn cyn y diwrnod y gwnaed y gorchymyn mesurau arbennig,

(b) yw'n ymwneud â swyddogaeth diogelwch adeiladau y person atebol mewn perthynas â'r adeilad, ac

(c) yw y gorchymyn mesurau arbennig yn darparu—

(i) bod y sail achos yn sail achos perthnasol, neu

(ii) bod seiliau achos o ddisgrifiad sy'n ei gynnwys yn seiliau achos perthnasol.

Ad-dalu iawndal a dalwyd gan reolwr mesurau arbennig

10 (1) Mae'r paragraff hwn yn gymwys pan fo—

(2) While the order is in force the relevant contract has effect as if relevant rights and liabilities of the accountable person arising under the contract were rights and liabilities of the manager.

(3) A "relevant contract" means a contract (including a lease) in respect of which the following conditions are met—

(a) the contract is effective on the day the special measures order is made,

(b) the accountable person is a party to the contract,

(c) one or more rights or liabilities of the accountable person under the contract are relevant rights or liabilities, and

(d) the special measures order provides that—

(i) the contract is a relevant contract, or

(ii) contracts of a description that includes it are relevant contracts.

(4) A right or liability of the accountable person is a "relevant right or liability" if it relates to a building safety function of the accountable person in relation to the category 1 building.

(5) The notice under sub-paragraph (1)(b) must state which rights or liabilities of the accountable person under the relevant contract are relevant rights or liabilities.

Effect of special measures order on legal proceedings

9 (1) This paragraph applies where—

(a) a special measures order provides that the building safety functions of an accountable person for a category 1 building are to be carried out by a special measures manager, and

(b) the manager gives to any person whom the manager considers would have an interest in a relevant cause of action a notice stating that this paragraph is to apply to the cause of action.

(2) While the order is in force the manager may bring, continue or defend the relevant cause of action.

(3) A cause of action is a "relevant cause of action" if—

(a) it accrued to or against the accountable person before the day the special measures order was made,

(b) it relates to a building safety function of the accountable person in relation to the building, and

(c) the special measures order provides that—

(i) the cause of action is a relevant cause of action, or

(ii) causes of action of a description that includes it are relevant causes of action.

Reimbursement of damages paid by special measures manager

10 (1) This paragraph applies where—

(a) rheolwr mesurau arbennig, yn rhinwedd paragraff 8 neu 9, yn ddarostyngedig i atebolrwydd i dalu iawndal mewn cysylltiad ag unrhyw beth a wnaed (neu na wnaed) gan berson atebol neu ar ei ran cyn dyddiad penodi'r rheolwr, a

(b) y rheolwr yn talu'r iawndal.

(2) Mae'r person atebol yn agored i ad-dalu i'r rheolwr swm sy'n hafal i swm yr iawndal a dalwyd gan y rheolwr.

Taliadau a gafwyd gan reolwr mesurau arbennig i'w dal ar ymddiriedolaeth

11 (1) Mae'r paragraff hwn yn gymwys pan fo gorchymyn mesurau arbennig sy'n ymwneud ag adeilad categori 1 yn ei gwneud yn ofynnol i un neu ragor o bersonau atebol perthnasol wneud taliadau i reolwr mesurau arbennig.

(2) Rhaid i'r rheolwr mesurau arbennig ddal y taliadau (ynghyd ag unrhyw incwm sy'n cronni arnynt) naill ai—

(a) fel cronfa ymddiriedolaeth sengl, neu

(b) mewn dwy gronfa ymddiriedolaeth ar wahân neu ragor.

(3) Rhaid i'r rheolwr ddal unrhyw gronfa ymddiriedolaeth—

(a) ar ymddiriedolaeth i dalu costau y mae'r rheolwr yn mynd iddynt mewn cysylltiad ag arfer swyddogaethau'r rheolwr mewn perthynas â'r adeilad, a

(b) yn ddarostyngedig i hynny, ar ymddiriedolaeth i'r person neu'r personau atebol perthnasol am y tro.

(4) Mae'r person neu'r personau atebol perthnasol am y tro i'w drin neu i'w trin fel â hawl yn rhinwedd is-baragraff (3)(b)—

(a) os oes un person atebol perthnasol, i weddill y gronfa neu'r cronfeydd;

(b) fel arall, i'r cyfranddaliadau yn y gweddill hwnnw y mae'r personau atebol perthnasol yn cytuno yn ysgrifenedig neu (os nad oes cytundeb) y mae tribiwnlys eiddo preswyl yn ei gyfarwyddo.

(5) Caniateir gwneud cais i dribiwnlys eiddo preswyl am gyfarwyddyd o dan is-baragraff (4)(b) gan—

(a) yr awdurdod diogelwch adeiladau neu'r awdurdod diogelwch tân y gwnaed y gorchymyn mesur arbennig ar ei gais,

(b) person atebol perthnasol ar gyfer yr adeilad, neu

(c) y rheolwr mesurau arbennig.

(6) Yn y paragraff hwn ystyr "person atebol perthnasol" yw person atebol y mae'r gorchymyn mesurau arbennig yn gymwys i'w swyddogaethau diogelwch adeiladau.

Pŵer tribiwnlys i roi cyfarwyddydau pellach

12 (1) Mae'r paragraff hwn yn gymwys tra bo gorchymyn mesurau arbennig mewn grym mewn perthynas ag adeilad categori 1.

(2) Ar gais gan berson a grybwyllir yn is-baragraff (3), caiff tribiwnlys eiddo preswyl roi cyfarwyddydau i'r rheolwr mesurau arbennig ar gyfer yr adeilad neu unrhyw berson arall mewn cysylltiad ag—

(a) a special measures manager is, by virtue of paragraph 8 or 9, subject to a liability to pay damages in respect of anything that was done (or not done) by or on behalf of an accountable person before the date of the manager's appointment, and

(b) the manager pays the damages.

(2) The accountable person is liable to reimburse to the manager an amount equal to the amount of damages paid by the manager.

Payments received by special measures manager to be held on trust

11 (1) This paragraph applies where a special measures order relating to a category 1 building requires one or more relevant accountable persons to make payments to a special measures manager.

(2) The special measures manager must hold the payments (together with any income accruing on them) either—

(a) as a single trust fund, or

(b) in two or more separate trust funds.

(3) The manager must hold any trust fund—

(a) on trust to meet costs that the manager incurs in connection with the exercise of the manager's functions in relation to the building, and

(b) subject to that, on trust for the relevant accountable person or persons for the time being.

(4) The relevant accountable person or persons for the time being are to be treated as entitled by virtue of sub-paragraph (3)(b)—

(a) if there is one relevant accountable person, to the residue of the fund or funds;

(b) otherwise, to the shares in that residue that the relevant accountable persons agree in writing or (in default of agreement) that a residential property tribunal directs.

(5) An application to a residential property tribunal for a direction under sub-paragraph (4)(b) may be made by—

(a) the building safety authority or fire safety authority on whose application the special measure order was made,

(b) a relevant accountable person for the building, or

(c) the special measures manager.

(6) In this paragraph "relevant accountable person" means an accountable person to whose building safety functions the special measures order applies.

Power of tribunal to give further directions

12 (1) This paragraph applies while a special measures order is in force in relation to a category 1 building.

(2) On an application by a person mentioned in sub-paragraph (3), a residential property tribunal may give directions to the special measures manager for the building or any other person with respect to—

(a) unrhyw fater sy'n ymwneud ag arfer swyddogaethau'r rheolwr, a

(b) unrhyw fater deilliadol neu ategol.

(3) Y personau yw—

(a) awdurdod diogelwch adeiladau yr adeilad;

(b) awdurdod diogelwch tân yr adeilad;

(c) person atebol ar gyfer yr adeilad;

(d) y rheolwr mesurau arbennig.

Newid mewn person atebol

13 (1) Mae'r paragraff hwn yn gymwys pan fo—

(a) gorchymyn mesurau arbennig mewn grym mewn perthynas ag adeilad categori 1, a

(b) person atebol y mae'r gorchymyn yn gymwys i'w swyddogaethau diogelwch adeiladau yn peidio â bod yn gyfrifol am y cyfan o'r adeilad neu unrhyw ran ohono.

(2) Yn y paragraff hwn—

(a) ystyr "y person atebol ymadawol" yw'r person atebol a grybwyllir yn is-baragraff (1)(b);

(b) ystyr "yr adeg berthnasol" yw'r adeg y mae'r person atebol ymadawol yn peidio â bod yn gyfrifol am y cyfan o'r adeilad categori 1 neu unrhyw ran ohono.

(3) O'r adeg berthnasol, mae'r gorchymyn mesurau arbennig yn peidio â bod yn gymwys i'r person atebol ymadawol mewn perthynas â'r adeilad neu, yn ôl y digwydd, y rhan ohono y mae'r person wedi peidio â bod yn gyfrifol amdani.

(4) Mae is-baragraff (5) yn gymwys os, yn union ar ôl yr adeg berthnasol, yw unrhyw berson arall ("olynydd")—

(a) yn berson atebol ar gyfer yr adeilad, a

(b) yn gyfrifol am ran o'r adeilad ("y rhan berthnasol") y peidiodd y person atebol ymadawol â bod yn gyfrifol amdani ar yr adeg berthnasol.

(5) Mewn perthynas â'r rhan berthnasol, mae'r gorchymyn mesurau arbennig yn gymwys i'r olynydd o'r adeg berthnasol fel yr oedd yn gymwys i'r person atebol ymadawol yn union cyn yr adeg honno.

(6) Nid yw'r paragraff hwn yn effeithio ar unrhyw atebolrwydd o dan y gorchymyn y daeth y person atebol ymadawol yn ddarostyngedig iddo cyn yr adeg berthnasol.

(7) Pan fo deddfiad yn ei gwneud yn ofynnol i fuddiannau, pridiannau neu rwymedigaethau eraill sy'n effeithio ar dir gael eu cofrestru, mae is-baragraff (5) yn cael effaith pa un a yw'r gorchymyn mesurau arbennig wedi ei gofrestru ai peidio.

(8) Nid oes unrhyw beth yn y paragraff hwn yn effeithio ar bwerau tribiwnlys eiddo preswyl i amrywio neu ddirymu gorchymyn mesurau arbennig o dan baragraff 16.

(a) any matter relating to the exercise of the manager's functions, and

(b) any incidental or ancillary matter.

(3) The persons are—

(a) the building safety authority for the building;

(b) the fire safety authority for the building;

(c) an accountable person for the building;

(d) the special measures manager.

Change in accountable person

13 (1) This paragraph applies where—

(a) a special measures order is in force in relation to a category 1 building, and

(b) an accountable person to whose building safety functions the order applies ceases to be responsible for all or any part of the building.

(2) In this paragraph—

(a) "the outgoing accountable person" means the accountable person mentioned in sub-paragraph (1)(b);

(b) "the relevant time" means the time when the outgoing accountable person ceases to be responsible for all or any part of the category 1 building.

(3) From the relevant time, the special measures order ceases to apply to the outgoing accountable person in relation to the building or, as the case may be, the part of it for which the person has ceased to be responsible.

(4) Sub-paragraph (5) applies if, immediately after the relevant time, any other person (a "successor")—

(a) is an accountable person for the building, and

(b) is responsible for a part of the building ("the relevant part") for which the outgoing accountable person ceased to be responsible at the relevant time.

(5) In relation to the relevant part, the special measures order applies to the successor from the relevant time as it applied to the outgoing accountable person immediately before that time.

(6) This paragraph does not affect any liability under the order to which the outgoing accountable person became subject before the relevant time.

(7) Where an enactment requires interests, charges or other obligations affecting land to be registered, sub-paragraph (5) has effect whether or not the special measures order is registered.

(8) Nothing in this paragraph affects the powers of a residential property tribunal to vary or revoke a special measures order under paragraph 16.

RHAN 3

ADOLYGU, AMRYWIO A DIRYMU GORCHYMYN MESURAU ARBENNIG

Hyd y gorchymyn mesurau arbennig

14 Mae gorchymyn mesurau arbennig yn parhau mewn grym hyd nes iddo gael ei ddirymu o dan baragraff 16.

Yr awdurdod i gadw materion penodol o dan adolygiad

15 (1) Mae'r paragraff hwn yn gymwys tra bo gorchymyn mesurau arbennig mewn grym mewn perthynas ag adeilad categori 1.

(2) Rhaid i'r awdurdod diogelwch adeiladau neu'r awdurdod diogelwch tân y gwnaed y gorchymyn ar ei gais adolygu'r materion a ganlyn o bryd i'w gilydd (ac o leiaf unwaith ym mhob 12 mis)—

(a) y mesurau a gymerir gan y rheolwr mesurau arbennig wrth arfer swyddogaethau'r rheolwr;

(b) y costau yr aed iddynt gan y rheolwr mewn cysylltiad â chymryd y mesurau hynny;

(c) unrhyw daliadau a wneir gan bersonau atebol ar gyfer yr adeilad i'r rheolwr mewn cysylltiad ag unrhyw un neu ragor o'r costau hynny;

(d) unrhyw symiau a geir gan y rheolwr ar ffurf incwm diogelwch adeilad cyfunddaliadol mewn perthynas â'r adeilad.

(3) Os, ar adolygiad o'r fath, yw'r awdurdod yn ystyried y dylid amrywio unrhyw un neu ragor o delerau'r gorchymyn mesurau arbennig, rhaid iddo wneud cais am amrywiad o'r gorchymyn o dan baragraff 16 (ond mae'r gofyniad hwn yn ddarostyngedig i ddarpariaethau'r paragraff hwnnw).

Amrywio neu ddirymu gorchymyn mesurau arbennig

16 (1) Caiff tribiwnlys eiddo preswyl amrywio neu ddirymu gorchymyn mesurau arbennig sy'n ymwneud ag adeilad categori 1 ar gais gan—

(a) awdurdod diogelwch adeiladau yr adeilad,

(b) awdurdod diogelwch tân yr adeilad,

(c) person atebol y mae'r gorchymyn yn gymwys i'w swyddogaethau diogelwch adeiladau, neu

(d) y rheolwr mesurau arbennig a benodir gan y gorchymyn.

(2) Ni chaiff awdurdod diogelwch adeiladau wneud cais i amrywio neu ddirymu gorchymyn oni bai—

(a) yn achos cais i amrywio gorchymyn, ei fod wedi cydymffurfio â gofynion paragraff 17, a

(b) mewn unrhyw achos, bod yr awdurdod diogelwch tân ar gyfer yr adeilad yn cytuno i'r cais gael ei wneud.

(3) Ni chaiff awdurdod diogelwch tân wneud cais i amrywio neu ddirymu gorchymyn oni bai—

PART 3

REVIEW, VARIATION AND REVOCATION OF SPECIAL MEASURES ORDER

Duration of special measures order

14 A special measures order continues in force until it is revoked under paragraph 16.

Authority to keep certain matters under review

15 (1) This paragraph applies while a special measures order is in force in relation to a category 1 building.

(2) The building safety authority or fire safety authority on whose application the order was made must from time to time (and at least once in every 12 months) review the following matters—

(a) the measures taken by the special measures manager in exercising the manager's functions;

(b) the costs incurred by the manager in connection with taking those measures;

(c) any payments made by accountable persons for the building to the manager in respect of any of those costs;

(d) any amounts received by the manager by way of commonhold building safety income in relation to the building.

(3) If, on such a review, the authority considers that any term of the special measures order should be varied, it must apply for a variation of the order under paragraph 16 (but this requirement is subject to the provisions of that paragraph).

Variation or revocation of special measures order

16 (1) A residential property tribunal may vary or revoke a special measures order relating to a category 1 building on an application by—

(a) the building safety authority for the building,

(b) the fire safety authority for the building,

(c) an accountable person to whose building safety functions the order applies, or

(d) the special measures manager appointed by the order.

(2) A building safety authority may not apply to vary or revoke an order unless—

(a) in the case of an application to vary an order, it has complied with the requirements of paragraph 17, and

(b) in any case, the fire safety authority for the building agrees to the making of the application.

(3) A fire safety authority may not apply to vary or revoke an order unless—

(a) yn achos cais i amrywio gorchymyn, ei fod wedi cydymffurfio â gofynion paragraff 17, a

(b) mewn unrhyw achos, bod yr awdurdod diogelwch adeiladau ar gyfer yr adeilad yn cytuno i'r cais gael ei wneud.

(4) Ni chaiff person atebol neu'r rheolwr mesurau arbennig wneud cais i amrywio gorchymyn drwy newid y rheolwr mesurau arbennig oni bai ei fod yn gais y cytunwyd arno (gweler is-baragraffau (7) ac (8)).

(5) Wrth ystyried a ddylid amrywio neu ddirymu gorchymyn mesurau arbennig, rhaid i dribiwnlys eiddo preswyl roi sylw i—

(a) y tebygolrwydd y bydd amrywio neu ddirymu'r gorchymyn yn arwain at ailadrodd yr amgylchiadau a arweiniodd at wneud y gorchymyn, a

(b) pa un a yw'n gyfiawn ac yn gyfleus yn yr holl amgylchiadau i amrywio neu ddirymu'r gorchymyn.

(6) Nid yw is-baragraff (5) yn gymwys os yw'r cais i amrywio neu ddirymu'r gorchymyn yn gais y cytunwyd arno.

(7) Mae cais i amrywio neu ddirymu gorchymyn mesurau arbennig sy'n ymwneud ag adeilad yn gais y cytunwyd arno at ddibenion y paragraff hwn os gwneir ef gyda chytundeb—

(a) awdurdod diogelwch adeiladau yr adeilad,

(b) awdurdod diogelwch tân yr adeilad,

(c) pob person atebol y mae'r gorchymyn yn gymwys i'w swyddogaethau diogelwch adeiladau (gan gynnwys, yn achos cais i amrywio gorchymyn, unrhyw berson atebol nad yw'r gorchymyn eisoes yn gymwys i'w swyddogaethau ond a fyddai'n gymwys iddo pe bai'r amrywiad yn cael ei wneud), a

(d) y rheolwr mesurau arbennig a benodir gan y gorchymyn (gan gynnwys, yn achos cais i amrywio gorchymyn drwy newid y rheolwr, y person a fyddai'n cael ei benodi pe bai'r amrywiad yn cael ei wneud).

(8) Nid yw is-baragraff (7)(d) yn ei gwneud yn ofynnol i gael cytundeb y rheolwr mesurau arbennig os yw'r rheolwr yn unigolyn nad oes ganddo'r gallu i gytuno i'r cais.

Y weithdrefn cyn i awdurdod wneud cais i amrywio gorchymyn mesurau arbennig

17 (1) Rhaid i awdurdod diogelwch adeiladau neu awdurdod diogelwch tân sy'n bwriadu gwneud cais i dribiwnlys eiddo preswyl i amrywio gorchymyn mesurau arbennig roi hysbysiad o'r cynnig i bob person arall sy'n berson a chanddo fuddiant mewn perthynas â'r adeilad.

(2) Rhaid i'r hysbysiad o'r cynnig—

(a) datgan bod yr awdurdod yn bwriadu gwneud cais i amrywio'r gorchymyn mesurau arbennig a bennir yn yr hysbysiad;

(b) rhoi rhesymau'r awdurdod dros gynnig gwneud y cais;

(c) nodi telerau'r gorchymyn y mae'r awdurdod yn bwriadu gwahodd y tribiwnlys eiddo preswyl i'w wneud;

(a) in the case of an application to vary an order, it has complied with the requirements of paragraph 17, and

(b) in any case, the building safety authority for the building agrees to the making of the application.

(4) An application to vary an order by changing the identity of the special measures manager may not be made by an accountable person or the special measures manager unless it is an agreed application (see sub-paragraphs (7) and (8)).

(5) In considering whether to vary or revoke a special measures order, a residential property tribunal must have regard to—

(a) the likelihood of the variation or revocation of the order resulting in a recurrence of the circumstances that led to the order being made, and

(b) whether it is just and convenient in all the circumstances to vary or revoke the order.

(6) Sub-paragraph (5) does not apply if the application to vary or revoke the order is an agreed application.

(7) An application to vary or revoke a special measures order relating to a building is an agreed application for the purposes of this paragraph if it is made with the agreement of—

(a) the building safety authority for the building,

(b) the fire safety authority for the building,

(c) each accountable person to whose building safety functions the order applies (including, in the case of an application to vary an order, any accountable person to whose functions the order does not already apply but would apply if the variation were made), and

(d) the special measures manager appointed by the order (including, in the case of an application to vary an order by changing the identity of the manager, the person who would be appointed if the variation were made).

(8) Sub-paragraph (7)(d) does not require the agreement of the special measures manager if the manager is an individual who lacks capacity to agree to the application.

Procedure before authority applies to vary special measures order

17 (1) A building safety authority or fire safety authority that proposes to apply to a residential property tribunal to vary a special measures order must give notice of the proposal to every other person who is an interested person in relation to the building.

(2) The notice of the proposal must—

(a) state that the authority proposes to apply to vary the special measures order specified in the notice;

(b) give the authority's reasons for proposing to make the application;

(c) set out the terms of the order that the authority proposes to invite the residential property tribunal to make;

(d) pennu cyfnod y caiff personau a chanddynt fuddiant wneud sylwadau ynddo mewn ymateb i'r hysbysiad;

(e) datgan bod rhaid gwneud unrhyw sylwadau yn ysgrifenedig a'u hanfon i gyfeiriad post neu gyfeiriad e-bost a bennir yn yr hysbysiad.

(3) Ar ôl diwedd y cyfnod a grybwyllir yn is-baragraff (2)(d) rhaid i'r awdurdod—

(a) penderfynu pa un ai i wneud y cais, a

(b) rhoi hysbysiad o'i benderfyniad i bob person arall sy'n berson a chanddo fuddiant mewn perthynas â'r adeilad.

(4) Rhaid i'r hysbysiad o'r penderfyniad—

(a) datgan pa un a yw'r awdurdod yn bwriadu gwneud y cais ai peidio;

(b) rhoi ei resymau dros ddod i'r penderfyniad hwnnw;

(c) os yw'r awdurdod yn bwriadu gwneud y cais, nodi telerau'r gorchymyn y mae'r awdurdod yn bwriadu gwahodd y tribiwnlys eiddo preswyl i'w wneud.

(5) Nid yw is-baragraffau (1) a (3)(b) yn ei gwneud yn ofynnol i awdurdod roi hysbysiad i berson a chanddo fuddiant—

(a) os nad yw'r awdurdod yn ymwybodol o'r person, a

(b) os yw'r awdurdod wedi cymryd pob cam rhesymol i adnabod y personau sy'n bersonau a chanddynt fuddiant mewn perthynas â'r adeilad.

(6) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch hysbysiadau o dan y paragraff hwn, gan gynnwys yn benodol ddarpariaeth ynghylch—

(a) ffurf hysbysiad;

(b) sut y mae rhaid rhoi hysbysiad.

Cyfarwyddydau pan fo gorchymyn mesurau arbennig yn cael ei amrywio neu ei ddirymu

18 (1) Pan fo tribiwnlys eiddo preswyl yn amrywio neu'n dirymu gorchymyn mesurau arbennig, caiff roi cyfarwyddydau i unrhyw berson mewn perthynas ag—

(a) unrhyw fater sy'n ymwneud â'r amrywiad neu'r dirymiad, a

(b) unrhyw fater deilliadol neu ategol.

(2) Pan fo tribiwnlys eiddo preswyl yn dirymu gorchymyn mesurau arbennig, rhaid iddo gyfarwyddo'r rheolwr mesurau arbennig ymadawol i—

(a) llunio cyfrif cysoni, a

(b) rhoi copi o'r cyfrif i—

(i) yr awdurdod diogelwch adeiladau neu'r awdurdod diogelwch tân y gwnaed y gorchymyn mesurau arbennig ar ei gais, a

(ii) pob person atebol perthnasol.

(3) Pan fo'r tribiwnlys yn dirymu'r gorchymyn, caiff roi cyfarwyddyd o dan is-baragraff (1)(a) (ar yr adeg y mae'n dirymu'r gorchymyn neu ar ôl yr adeg honno) i daliad gael ei wneud—

(a) gan berson atebol perthnasol i'r rheolwr mesurau arbennig ymadawol, neu

(b) gan y rheolwr mesurau arbennig ymadawol i berson atebol perthnasol.

(d) specify a period in which interested persons may make representations in response to the notice;

(e) state that any representations must be made in writing and sent to a postal or email address specified in the notice.

(3) After the end of the period mentioned in sub-paragraph (2)(d) the authority must—

(a) decide whether to make the application, and

(b) give notice of its decision to every other person who is an interested person in relation to the building.

(4) The notice of the decision must—

(a) state whether or not the authority intends to make the application;

(b) give its reasons for reaching that decision;

(c) if the authority intends to make the application, set out the terms of the order that the authority intends to invite the residential property tribunal to make.

(5) Sub-paragraphs (1) and (3)(b) do not require an authority to give a notice to an interested person if the authority—

(a) is not aware of the person, and

(b) has taken all reasonable steps to identify the persons who are interested persons in relation to the building.

(6) The Welsh Ministers may by regulations make provision about notices under this paragraph, including in particular provision about—

(a) the form of a notice;

(b) how a notice must be given.

Directions where special measures order is varied or revoked

18 (1) Where a residential property tribunal varies or revokes a special measures order, it may give directions to any person with respect to—

(a) any matter relating to the variation or revocation, and

(b) any incidental or ancillary matter.

(2) Where a residential property tribunal revokes a special measures order, it must direct the outgoing special measures manager to—

(a) prepare a reconciliation account, and

(b) give a copy of the account to—

(i) the building safety authority or fire safety authority on whose application the special measures order was made, and

(ii) each relevant accountable person.

(3) Where the tribunal revokes the order, it may give a direction under sub-paragraph (1)(a) (at the time when it revokes the order or after that time) for the making of a payment—

(a) by a relevant accountable person to the outgoing special measures manager, or

(b) by the outgoing special measures manager to a relevant accountable person.

(4) Yn is-baragraffau (2) a (3)—

ystyr "cyfrif cysoni" ("*reconciliation account*") yw dogfen—

(a) sy'n nodi, mewn perthynas â'r cyfnod pryd yr oedd y gorchymyn mesurau arbennig mewn grym, gymhariaeth rhwng—

(i) derbynebau a chostau'r rheolwr mewn cysylltiad ag arfer swyddogaethau'r rheolwr, a

(ii) y credydau i'r holl gyfrifon perthnasol a'r debydau ohonynt, a

(b) sy'n cynnwys datganiad sy'n esbonio unrhyw wahaniaethau;

ystyr "cyfrif perthnasol" ("*relevant account*") yw cyfrif y mae unrhyw un neu ragor o'r hyn a ganlyn yn cael eu cadw (neu wedi eu cadw) ynddo—

(a) taliadau a wneir gan berson atebol perthnasol i'r rheolwr;

(b) symiau a geir gan y rheolwr ar ffurf incwm diogelwch adeilad cyfunddaliadol;

ystyr "person atebol perthnasol" ("*relevant accountable person*") yw person atebol y cymhwyswyd y gorchymyn mesurau arbennig i'w swyddogaethau diogelwch adeiladau yn union cyn iddo gael ei ddirymu;

ystyr "rheolwr mesurau arbennig ymadawol" ("*outgoing special measures manager*") yw'r person a oedd yn rheolwr mesurau arbennig yn union cyn i'r gorchymyn mesurau arbennig gael ei ddirymu.

RHAN 4

ATODOL

Hysbysiadau sy'n ymwneud â gorchymyn mesurau arbennig

19 (1) Mae'r paragraff hwn yn gymwys pan fo—

(a) gorchymyn mesurau arbennig yn cael ei wneud mewn perthynas ag adeilad categori 1;

(b) gorchymyn mesurau arbennig sy'n ymwneud ag adeilad categori 1 yn cael ei amrywio neu ei ddirymu.

(2) Rhaid i'r awdurdod diogelwch adeiladau neu'r awdurdod diogelwch tân y gwnaed y gorchymyn mesurau arbennig ar ei gais gymryd pob cam rhesymol i roi i bob person arall sy'n berson a chanddo fuddiant mewn perthynas â'r adeilad hysbysiad fod y gorchymyn wedi ei wneud, ei amrywio neu ei ddirymu.

Pŵer y tribiwnlys i ddiwygio gorchymyn o dan adran 24 o Ddeddf Landlord a Thenant 1987

20 (1) Mae is-baragraff (2) yn gymwys pan fo—

(a) tribiwnlys eiddo preswyl yn gwneud neu'n amrywio gorchymyn mesurau arbennig mewn perthynas ag adeilad categori 1, a

(b) gorchymyn o dan adran 24 o Ddeddf Landlord a Thenant 1987 (p. 31) yn penodi rheolwr mewn perthynas â'r adeilad hwnnw ("gorchymyn adran 24") mewn grym.

(4) In sub-paragraphs (2) and (3)—

"outgoing special measures manager" ("*rheolwr mesurau arbennig ymadawol*") means the person who was the special measures manager immediately before the special measures order was revoked;

"reconciliation account" ("*cyfrif cysoni*") means a document—

(a) setting out, in relation to the period during which the special measures order was in force, a comparison between—

(i) the receipts and costs of the manager in connection with the exercise of the manager's functions, and

(ii) the credits to, and debits from, all relevant accounts, and

(b) containing a statement explaining any differences;

"relevant account" ("*cyfrif perthnasol*") means an account in which any of the following are (or have been) held—

(a) payments made by a relevant accountable person to the manager;

(b) amounts received by the manager by way of commonhold building safety income;

"relevant accountable person" ("*person atebol perthnasol*") means an accountable person to whose building safety functions the special measures order applied immediately before it was revoked.

PART 4

SUPPLEMENTARY

Notifications relating to special measures order

19 (1) This paragraph applies where—

(a) a special measures order is made in relation to a category 1 building;

(b) a special measures order relating to a category 1 building is varied or revoked.

(2) The building safety authority or fire safety authority on whose application the special measures order was made must take all reasonable steps to give every other person who is an interested person in relation to the building notice that the order has been made, varied or revoked.

Power of tribunal to amend order under section 24 of the Landlord and Tenant Act 1987

20 (1) Sub-paragraph (2) applies where—

(a) a residential property tribunal makes or varies a special measures order in relation to a category 1 building, and

(b) an order under section 24 of the Landlord and Tenant Act 1987 (c. 31) appointing a manager in relation to that building (a "section 24 order") is in force.

(2) Caiff y tribiwnlys (ar yr adeg y mae'n gwneud neu'n amrywio'r gorchymyn mesurau arbennig neu ar ôl yr adeg honno) ddiwygio gorchymyn adran 24 i sicrhau nad yw'r swyddogaethau sydd i'w cyflawni yn rhinwedd y gorchymyn hwnnw yn cynnwys unrhyw un neu ragor o'r swyddogaethau y mae'r gorchymyn mesurau arbennig yn eu darparu i'w cyflawni gan y rheolwr mesurau arbennig.

(3) Gweler hefyd—

(a) adran 24(2C) o Ddeddf Landlord a Thenant 1987 (p. 31), sy'n atal gorchymyn adran 24 rhag darparu i reolwr gyflawni swyddogaeth os yw gorchymyn mesurau arbennig yn darparu bod y swyddogaeth i'w chyflawni gan reolwr mesurau arbennig;

(b) adran 24ZA o'r Ddeddf honno, sy'n galluogi rheolwr mesurau arbennig i wneud cais am orchymyn adran 24.

Ystyr "person a chanddo fuddiant"

21 (1) Yn yr Atodlen hon ystyr "person a chanddo fuddiant" mewn perthynas ag adeilad categori 1, yw—

(a) person atebol ar gyfer yr adeilad;

(b) preswylydd sy'n oedolyn yn yr adeilad;

(c) perchennog uned breswyl yn yr adeilad;

(d) perchennog yr ystad rydd-ddaliadol yn yr adeilad neu yn unrhyw ran ohono;

(e) unrhyw asiant rheoli ar gyfer yr adeilad, neu ar gyfer unrhyw ran ohono nad yw'n cynnwys mangre a feddiennir at ddibenion busnes neu ymgymeriad (pa un ai er elw ai peidio);

(f) unrhyw gymdeithas denantiaid gydnabyddedig (o fewn yr ystyr a roddir i "recognised tenants' association" gan adran 29 o Ddeddf Landlord a Thenant 1985 (p. 70)) ar gyfer yr adeilad neu unrhyw ran ohono;

(g) unrhyw berson sy'n berson cyfrifol at ddibenion y Gorchymyn Diogelwch Tân mewn perthynas ag unrhyw fangre sy'n ffurfio rhan o'r adeilad;

(h) unrhyw reolwr a benodir o dan adran 24 o Ddeddf Landlord a Thenant 1987 (p. 31) mewn perthynas â'r adeilad neu unrhyw ran ohono;

(i) awdurdod diogelwch adeiladau yr adeilad;

(j) unrhyw gyngor sir neu gyngor bwrdeistref sirol yng Nghymru, heblaw am yr awdurdod diogelwch adeiladau, y mae unrhyw ran o'r adeilad wedi ei lleoli yn ei ardal;

(k) awdurdod diogelwch tân yr adeilad;

(l) pan fo unrhyw berson atebol ar gyfer yr adeilad yn landlord cymdeithasol cofrestredig, Weinidogion Cymru;

(m) pan fo unrhyw berson atebol ar gyfer yr adeilad yn ddarparwr tai cymdeithasol cofrestredig (o fewn yr ystyr a roddir i "registered provider of social housing" gan adran 80(2) o Ddeddf Tai ac Adfywio 2008 (p. 17)), y Rheoleiddiwr Tai Cymdeithasol.

(2) The tribunal may (at the time when it makes or varies the special measures order or after that time) amend the section 24 order to ensure that the functions to be carried out by virtue of that order do not include any function that the special measures order provides is to be carried out by the special measures manager.

(3) See also—

(a) section 24(2C) of the Landlord and Tenant Act 1987 (c. 31), which prevents a section 24 order from providing for a manager to carry out a function if a special measures order provides that the function is to be carried out by a special measures manager;

(b) section 24ZA of that Act, which enables a special measures manager to apply for a section 24 order.

Meaning of "interested person"

21 (1) In this Schedule "interested person", in relation to a category 1 building, means—

(a) an accountable person for the building;

(b) an adult resident of the building;

(c) an owner of a residential unit in the building;

(d) an owner of the freehold estate in the building or in any part of it;

(e) any managing agent for the building, or for any part of it that does not contain premises occupied for the purposes of a business or undertaking (whether for profit or not);

(f) any recognised tenants' association (within the meaning given by section 29 of the Landlord and Tenant Act 1985 (c. 70)) for the building or any part of it;

(g) any person who is a responsible person for the purposes of the Fire Safety Order in relation to any premises that form part of the building;

(h) any manager appointed under section 24 of the Landlord and Tenant Act 1987 (c. 31) in relation to the building or any part of it;

(i) the building safety authority for the building;

(j) any county council or county borough council in Wales, other than the building safety authority for the building, in whose area any part of the building is situated;

(k) the fire safety authority for the building;

(l) where any accountable person for the building is a registered social landlord, the Welsh Ministers;

(m) where any accountable person for the building is a registered provider of social housing (within the meaning given by section 80(2) of the Housing and Regeneration Act 2008 (c. 17)), the Regulator of Social Housing.

(2) At ddibenion is-baragraff (1)(e) mae person ("A") yn asiant rheoli ar gyfer adeilad categori 1, neu ran o adeilad categori 1—

(a) os yw A wedi ei benodi i gyflawni rhwymedigaethau person ("B") sy'n ymwneud â rheoli'r adeilad neu'r rhan o'r adeilad gan B, a

(b) os oes gan B ystad gyfreithiol yn yr adeilad neu'r rhan o'r adeilad sydd—

(i) yn ystad rhydd-ddaliadol, neu

(ii) yn les a roddir am gyfnod penodol o fwy na 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 drwy ailfynediad neu fforffediad.

(3) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio'r paragraff hwn i newid ystyr "person a chanddo fuddiant".

(2) For the purposes of sub-paragraph (1)(e) a person ("A") is a managing agent for a category 1 building, or a part of a category 1 building, if—

(a) A has been appointed to discharge the obligations of a person ("B") relating to the management by B of the building or part, and

(b) B has a legal estate in the building or part which is—

(i) the freehold estate, or

(ii) 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 the tenant or by re-entry or forfeiture.

(3) The Welsh Ministers may by regulations amend this paragraph to change the meaning of "interested person".

ATODLEN 3
(a gyflwynir gan adran 137(1))

MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL

Deddf Iechyd a Diogelwch yn y Gwaith etc. 1974 (p. 37)

1 Yn Neddf Iechyd a Diogelwch yn y Gwaith etc. 1974, ar ôl adran 51A mewnosoder—

"51B Premises to which the Building Safety (Wales) Act 2026 applies

(1) Provision made by this Part or regulations made under it does not apply to premises forming part of an occupied regulated building or a relevant HMO to the extent that the condition in subsection (2) is met in relation to the provision.

(2) The condition is that the provision relates to any matters in relation to which requirements were or could have been imposed in relation to the premises by or under the Fire Safety Order as that order had effect immediately before the relevant time (whether or not the premises existed immediately before the relevant time).

(3) In this section—

"the Fire Safety Order" means the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541);

"occupied" has the meaning given by section 136(1) of the Building Safety (Wales) Act 2026;

"regulated building" has the meaning given by sections 2 and 7 of that Act;

"relevant HMO" has the meaning given by section 78 of that Act;

"the relevant time" means the time when paragraph 10 of Schedule 3 to that Act came into force (partial disapplication of the Fire Safety Order in relation to occupied regulated buildings and relevant HMOs)."

Deddf Landlord a Thenant 1987 (p. 31)

2 Mae Deddf Landlord a Thenant 1987 wedi ei diwygio fel a ganlyn.

3 Yn adran 24, yn is-adran (2D), yn y diffiniadau o "special measures manager" a "special measures order", ar y diwedd mewnosoder "or section 109 of the Building Safety (Wales) Act 2026".

4 Yn adran 24ZA—

(a) yn is-adran (1), ar ôl "an occupied higher-risk building" mewnosoder "or an occupied category 1 building";

(b) yn is-adran (2), ar ôl "the higher-risk building" mewnosoder "or category 1 building";

SCHEDULE 3
(introduced by section 137(1))

MINOR AND CONSEQUENTIAL AMENDMENTS

Health and Safety at Work etc. Act 1974 (c. 37)

1 In the Health and Safety at Work etc. Act 1974, after section 51A insert—

"51B Premises to which the Building Safety (Wales) Act 2026 applies

(1) Provision made by this Part or regulations made under it does not apply to premises forming part of an occupied regulated building or a relevant HMO to the extent that the condition in subsection (2) is met in relation to the provision.

(2) The condition is that the provision relates to any matters in relation to which requirements were or could have been imposed in relation to the premises by or under the Fire Safety Order as that order had effect immediately before the relevant time (whether or not the premises existed immediately before the relevant time).

(3) In this section—

"the Fire Safety Order" means the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541);

"occupied" has the meaning given by section 136(1) of the Building Safety (Wales) Act 2026;

"regulated building" has the meaning given by sections 2 and 7 of that Act;

"relevant HMO" has the meaning given by section 78 of that Act;

"the relevant time" means the time when paragraph 10 of Schedule 3 to that Act came into force (partial disapplication of the Fire Safety Order in relation to occupied regulated buildings and relevant HMOs)."

Landlord and Tenant Act 1987 (c. 31)

2 The Landlord and Tenant Act 1987 is amended as follows.

3 In section 24, in subsection (2D), in the definitions of "special measures manager" and "special measures order", at the end insert "or section 109 of the Building Safety (Wales) Act 2026".

4 In section 24ZA—

(a) in subsection (1), after "an occupied higher-risk building" insert "or an occupied category 1 building";

(b) in subsection (2), after "the higher-risk building" insert "or category 1 building";

(c) yn is-adran (3)(a)—

(i) ar ôl "an occupied higher-risk building" mewnosoder "or an occupied category 1 building";

(ii) ar ôl "the higher-risk building" mewnosoder "or category 1 building";

(d) ar ôl is-adran (5) mewnosoder—

"(6) In this section "category 1 building", and "occupied" in relation to such a building, have the meanings given in section 136(1) of the Building Safety (Wales) Act 2026."

Deddf Gwasanaethau Tân ac Achub 2004 (p. 21)

5 Mae Deddf Gwasanaethau Tân ac Achub 2004 wedi ei diwygio fel a ganlyn.

6 Yn adran 2, ar ôl is-adran (11) mewnosoder—

"(12) An order under this section that applies to Wales may provide that it does not apply for the purposes of section 122(2) of the Building Safety (Wales) Act 2026 (and may amend section 122(8) of that Act in consequence of doing so)."

7 Yn adran 4, ar ôl is-adran (7) mewnosoder—

"(8) An order under this section that applies to Wales may provide that it does not apply for the purposes of section 122(2) of the Building Safety (Wales) Act 2026 (and may amend section 122(8) of that Act in consequence of doing so)."

8 Yn adran 18B(8), ar y diwedd mewnosoder "or the Building Safety (Wales) Act 2026".

Gorchymyn Diwygio Rheoleiddio (Diogelwch Tân) 2005 (O.S. 2005/1541)

9 Mae'r Gorchymyn Diogelwch Tân wedi ei ddiwygio fel a ganlyn.

10 Ar ôl erthygl 7 mewnosoder—

"**7A Disapplication of certain provisions: occupied regulated buildings and relevant HMOs in Wales**

(1) Except where paragraph (4) or (5) applies, articles 8, 9, 12, 13, 14, 15, 16, 20, 22, 22A, 29 and 31 do not apply to premises that are or form part of an occupied regulated building or a relevant HMO.

(2) Except where paragraph (4) or (5) applies, references to "the premises" in article 17 do not include premises that are or form part of an occupied regulated building or a relevant HMO.

(3) Except where paragraph (5) applies, articles 37 and 38 do not apply to premises that are or form part of a regulated building or a relevant HMO.

(4) This paragraph applies to premises—

(a) to the extent that the premises are a workplace;

(c) in subsection (3)(a)—

(i) after "an occupied higher-risk building" insert "or an occupied category 1 building";

(ii) after "the higher-risk building" insert "or category 1 building";

(d) after subsection (5) insert—

"(6) In this section "category 1 building", and "occupied" in relation to such a building, have the meanings given in section 136(1) of the Building Safety (Wales) Act 2026."

Fire and Rescue Services Act 2004 (c. 21)

5 The Fire and Rescue Services Act 2004 is amended as follows.

6 In section 2, after subsection (11) insert—

"(12) An order under this section that applies to Wales may provide that it does not apply for the purposes of section 122(2) of the Building Safety (Wales) Act 2026 (and may amend section 122(8) of that Act in consequence of doing so)."

7 In section 4, after subsection (7) insert—

"(8) An order under this section that applies to Wales may provide that it does not apply for the purposes of section 122(2) of the Building Safety (Wales) Act 2026 (and may amend section 122(8) of that Act in consequence of doing so)."

8 In section 18B(8), at the end insert "or the Building Safety (Wales) Act 2026".

Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541)

9 The Fire Safety Order is amended as follows.

10 After article 7, insert—

"**7A Disapplication of certain provisions: occupied regulated buildings and relevant HMOs in Wales**

(1) Except where paragraph (4) or (5) applies, articles 8, 9, 12, 13, 14, 15, 16, 20, 22, 22A, 29 and 31 do not apply to premises that are or form part of an occupied regulated building or a relevant HMO.

(2) Except where paragraph (4) or (5) applies, references to "the premises" in article 17 do not include premises that are or form part of an occupied regulated building or a relevant HMO.

(3) Except where paragraph (5) applies, articles 37 and 38 do not apply to premises that are or form part of a regulated building or a relevant HMO.

(4) This paragraph applies to premises—

(a) to the extent that the premises are a workplace;

(b) to the extent that work is taking place in, on or to the premises, where the premises are not a workplace of the person carrying out the work.

(5) This paragraph applies to premises—

(a) that form part of an occupied regulated building, and

(b) for which no accountable person has been made responsible by regulations under section 16 of the Building Safety (Wales) Act 2026.

(6) In this article—

"accountable person" has the meaning given by section 8 of the Building Safety (Wales) Act 2026;

"occupied" has the meaning given by section 136(1) of that Act;

"regulated building" has the meaning given by sections 2 and 7 of that Act;

"relevant HMO" has the meaning given by section 78 of that Act."

11 Yn erthygl 21A (darparu gwybodaeth i breswylwyr mangre domestig)—

(a) ym mharagraff (1), ar ôl "a building" mewnosoder "in England";

(b) yn lle paragraff (6) rhodder—

"(6) The "relevant authority" means the Secretary of State.";

(c) hepgorer paragraff (9);

(d) yn y pennawd, ar ôl "premesis", mewnosoder "in England".

12 Yn erthygl 22A (darparu gwybodaeth i berson cyfrifol newydd)—

(a) ym mharagraff (3), ar ôl is-baragraff (d) mewnosoder—

"(da) where the premises form part of a regulated building, or are wholly or partly situated above or below such a building, the identity of any person who is an accountable person for the building (where known);";

(b) ym mharagraff (6)—

(i) yn y diffiniad o "accountable person", ar ôl ""accountable person"" mewnosoder ", in relation to a higher-risk building,";

(ii) ar ôl y diffiniad hwnnw mewnosoder—

""accountable person", in relation to a regulated building, has the meaning given by section 8 of the Building Safety (Wales) Act 2026;";

(iii) yn y diffiniad o "higher-risk building", yn lle "that Act" rhodder "the Building Safety Act 2022";

(iv) ar ôl y diffiniad hwnnw mewnosoder—

""regulated building" has the meaning given by sections 2 and 7 of the Building Safety (Wales) Act 2026;".

(b) to the extent that work is taking place in, on or to the premises, where the premises are not a workplace of the person carrying out the work.

(5) This paragraph applies to premises—

(a) that form part of an occupied regulated building, and

(b) for which no accountable person has been made responsible by regulations under section 16 of the Building Safety (Wales) Act 2026.

(6) In this article—

"accountable person" has the meaning given by section 8 of the Building Safety (Wales) Act 2026;

"occupied" has the meaning given by section 136(1) of that Act;

"regulated building" has the meaning given by sections 2 and 7 of that Act;

"relevant HMO" has the meaning given by section 78 of that Act."

11 In article 21A (provision of information to residents of domestic premises)—

(a) in paragraph (1), after "a building" insert "in England";

(b) for paragraph (6) substitute—

"(6) The "relevant authority" means the Secretary of State.";

(c) omit paragraph (9);

(d) in the heading, after "premises" insert "in England".

12 In article 22A (provision of information to new responsible person)—

(a) in paragraph (3), after sub-paragraph (d) insert—

"(da) where the premises form part of a regulated building, or are wholly or partly situated above or below such a building, the identity of any person who is an accountable person for the building (where known);";

(b) in paragraph (6)—

(i) in the definition of "accountable person", after ""accountable person"" insert ", in relation to a higher-risk building,";

(ii) after that definition insert—

""accountable person", in relation to a regulated building, has the meaning given by section 8 of the Building Safety (Wales) Act 2026;";

(iii) in the definition of "higher-risk building", for "that Act" substitute "the Building Safety Act 2022";

(iv) after that definition insert—

""regulated building" has the meaning given by sections 2 and 7 of the Building Safety (Wales) Act 2026;".

Deddf Diogelwch Adeiladau 2022 (p. 30)

13 Yn adran 156 o Ddeddf Diogelwch Adeiladau 2022—

(a) hepgorer is-adran (2);

(b) yn is-adran (10), hepgorer paragraff (a);

(c) yn is-adran (11)—

(i) hepgorer paragraff (a);

(ii) ym mharagraff (b), hepgorer is-baragraff (i).

Building Safety Act 2022 (c. 30)

13 In section 156 of the Building Safety Act 2022—

(a) omit subsection (2);

(b) in subsection (10), omit paragraph (a);

(c) in subsection (11)—

(i) omit paragraph (a);

(ii) in paragraph (b), omit sub-paragraph (i).

ATODLEN 4
(a gyflwynir gan adran 137(2))

GORCHYMYN DIOGELWCH TÂN: DARPARIAETHAU TROSIANNOL A DARPARIAETHAU ARBED

Asesiadau risg tân presennol ar gyfer adeiladau rheoleiddiedig

1 (1) Mae'r paragraff hwn yn gymwys—

(a) pan mai person yw'r prif berson atebol ar gyfer adeilad rheoleiddiedig a feddiennir,

(b) pan mai, yn union cyn i adran 29 ddod i rym, y person oedd y person cyfrifol at ddibenion y Gorchymyn Diogelwch Tân mewn perthynas â mangre sy'n cynnwys holl rannau perthnasol yr adeilad, ac

(c) pan fo, yn ystod y 6 mis sy'n dod i ben gyda'r diwrnod y daeth yr adran honno i rym, y person wedi gwneud neu adolygu asesiad risg o dan erthygl 9 o'r Gorchymyn Diogelwch Tân mewn perthynas â'r fangre ("yr asesiad risg presennol").

(2) Mae'r asesiad risg presennol i'w drin at ddibenion y Ddeddf hon fel asesiad risg tân a wneir o dan adran 29 mewn perthynas â'r rhannau perthnasol o'r adeilad (ac fel yr asesiad risg tân cyfredol ar gyfer yr adeilad).

(3) Nid yw adran 31(1) yn gymwys, ond rhaid i'r prif berson atebol sicrhau y gwneir asesiad risg tân ar gyfer yr adeilad o dan adran 29 heb fod yn hwyrach na 12 mis ar ôl y diwrnod y gwnaed neu yr adolygwyd yr asesiad risg presennol.

(4) Yn y paragraff hwn, mae i gyfeiriadau at y rhannau perthnasol o adeilad yr ystyr a roddir gan adran 29(2).

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

Asesiadau risg tân presennol tŷ amlfeddiannaeth ar gyfer tai amlfeddiannaeth perthnasol

2 (1) Mae'r paragraff hwn yn gymwys—

(a) pan mai person yw landlord tŷ amlfeddiannaeth perthnasol,

(b) pan mai, yn union cyn i adran 81 ddod i rym, y person oedd y person cyfrifol at ddibenion y Gorchymyn Diogelwch Tân mewn perthynas â mangre sy'n, neu sy'n cynnwys, y tŷ amlfeddiannaeth perthnasol, ac

(c) pan fo, yn ystod y 6 mis sy'n dod i ben gyda'r diwrnod y daeth yr adran honno i rym, y person wedi gwneud neu adolygu asesiad risg o dan erthygl 9 o'r Gorchymyn Diogelwch Tân mewn perthynas â'r fangre ("yr asesiad risg presennol").

(2) Mae'r asesiad risg presennol i'w drin at ddibenion y Ddeddf hon fel asesiad risg tân ar dŷ amlfeddiannaeth a wneir o dan adran 81 mewn perthynas â'r tŷ amlfeddiannaeth perthnasol (ac fel yr asesiad risg tân ar dŷ amlfeddiannaeth cyfredol ar gyfer y tŷ amlfeddiannaeth perthnasol).

SCHEDULE 4

(introduced by section 137(2))

FIRE SAFETY ORDER: TRANSITIONAL AND SAVING PROVISIONS

Existing fire risk assessments for regulated buildings

1 (1) This paragraph applies where—

(a) a person is the principal accountable person for an occupied regulated building,

(b) immediately before section 29 came into force, the person was the responsible person for the purposes of the Fire Safety Order in relation to premises that include all of the relevant parts of the building, and

(c) during the 6 months ending with the day on which that section came into force, the person had made or reviewed a risk assessment under article 9 of the Fire Safety Order in relation to the premises ("the existing risk assessment").

(2) The existing risk assessment is to be treated for the purposes of this Act as a fire risk assessment made under section 29 in relation to the relevant parts of the building (and as being the current fire risk assessment for the building).

(3) Section 31(1) does not apply, but the principal accountable person must ensure that a fire risk assessment for the building is made under section 29 no later than 12 months after the day on which the existing risk assessment was made or reviewed.

(4) In this paragraph, references to the relevant parts of a building have the meaning given by section 29(2).

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

Existing HMO fire risk assessments for relevant HMOs

2 (1) This paragraph applies where—

(a) a person is the landlord of a relevant HMO,

(b) immediately before section 81 came into force, the person was the responsible person for the purposes of the Fire Safety Order in relation to premises that consist of or include the relevant HMO, and

(c) during the 6 months ending with the day on which that section came into force, the person had made or reviewed a risk assessment under article 9 of the Fire Safety Order in relation to the premises ("the existing risk assessment").

(2) The existing risk assessment is to be treated for the purposes of this Act as an HMO fire risk assessment made under section 81 in relation to the relevant HMO (and as being the current HMO fire risk assessment for the relevant HMO).

(3) Nid yw adran 83(1) yn gymwys, ond rhaid i'r landlord sicrhau y gwneir asesiad risg tân ar dŷ amlfeddiannaeth o dan adran 81 heb fod yn hwyrach na 12 mis ar ôl y diwrnod y gwnaed neu yr adolygwyd yr asesiad risg presennol.

Hysbysiadau presennol a ddyroddwyd o dan y Gorchymyn Diogelwch Tân

3 Nid yw'r diwygiad a wneir gan baragraff 10 o Atodlen 3 yn gymwys mewn perthynas â hysbysiad addasu, hysbysiad gorfodi neu hysbysiad gwahardd a gyflwynwyd i berson cyn i'r paragraff hwnnw ddod i rym (ac, yn unol â hynny, mae'r Gorchymyn Diogelwch Tân yn parhau i fod yn gymwys mewn perthynas â hysbysiad o'r fath fel pe na bai'r diwygiad hwnnw wedi ei wneud).

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Saul Nassé, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd y Brenin ar gyfer Cymru.

(3) Section 83(1) does not apply, but the landlord must ensure that an HMO fire risk assessment is made under section 81 no later than 12 months after the day on which the existing risk assessment was made or reviewed.

Existing notices issued under the Fire Safety Order

3 The amendment made by paragraph 10 of Schedule 3 does not apply in relation to an alteration notice, an enforcement notice or a prohibition notice that was served on a person before that paragraph came into force (and, accordingly, the Fire Safety Order continues to apply in relation to such a notice as if that amendment had not been made).

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