

2010 Rhif 297 (Cy. 39)

TAI, CYMRU

Rheoliadau Grantiau Adnewyddu Tai (Diwygio) (Cymru) 2010

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio ymhellach (o ran Cymru) Reoliadau Grantiau Adnewyddu Tai 1996 (O.S. 1996/2890) ("y prif Reoliadau"), sy'n nodi'r prawf modd i bennu swm y grant y caniateir i'r awdurdodau tai lleol ei dalu o dan Bennod 1 o Ran 1 o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996. Mae'r prif Reoliadau'n cael eu diwygio fel a ganlyn:

Mae rheoliad 3(2) yn diwygio rheoliad 10, i beri mai £1 yw'r swm cymwys o ran person sy'n cael lwfans cyflogaeth a chymorth cysylltiedig â gwaith.

Mae rheoliad 3(3) yn diwygio rheoliad 19, i beri y bydd y ffioedd gofal plant perthnasol sy'n cael eu hysgwyddo gan berson sy'n cael enillion ar sail analluedd i weithio neu alluedd cyfyngedig i weithio, neu sy'n cael taliadau lwfans cyflogaeth a chymorth, yn cael eu pennu wrth gyfrifo modd yr ymgeisydd er mwyn pennu swm y grant y caniateir ei dalu.

Mae rheoliad 3(4) yn diwygio rheoliad 41 ac yn gwneud darpariaeth ganlyniadol o ran newidiadau i'r system ariannu myfyrwyr o Loegr a wnaed gan Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009.

Mae Atodlen 1 i'r prif Reoliadau yn rhestru'r symiau sy'n gymwys i berson perthnasol (a ddiffinnir yn rheoliad 5 o'r prif Reoliadau) fel rhan o'r cyfrifiad sy'n cael ei wneud er mwyn pennu'r swm cymwys (a ddiffinnir yn rheoliad 10 o'r prif Reoliadau). Mae'r symiau hyn yn cael eu defnyddio wedyn wrth gyfrifo'r grant y caniateir ei dalu. Mae Atodlen 2 yn rhestru symiau sydd i'w hanwybyddu wrth bennu incwm, mae Atodlen 3 yn rhestru symiau sydd i'w hanwybyddu wrth bennu incwm heblaw enillion, ac mae Atodlen 4 yn rhestru'r cyfalaf sydd i'w anwybyddu wrth bennu cyfalaf.

Mae rheoliad 2(4) yn diwygio Atodlen 1 i gynnwys lwfansau cyflogaeth a chymorth yn y symiau sy'n gymwys. Mae rheoliad 2(5) i (7) yn diwygio Atodlenni 2, 3 a 4 i beri bod lwfans cyflogaeth a chymorth cysylltiedig â gwaith yn cael ei anwybyddu wrth bennu enillion, incwm heblaw enillion a chyfalaf.

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TAI, CYMRU

Rheoliadau Grantiau Adnewyddu Tai (Diwygio) (Cymru) 2010

Gwnaed 10 Chwefror 2010

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 11 Chwefror 2010

Yn dod i rym 4 Mawrth 2010

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 30 a 146 o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996(1), ac sydd bellach wedi'u breinio ynddynt hwy yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Grantiau Adnewyddu Tai (Diwygio) (Cymru) 2010 a deuant i rym ar 4 Mawrth 2010.

(2) Mae'r Rheoliadau hyn yn gymwys i geisiadau am grantiau sydd i'w cymeradwyo ar neu ar ôl 4 Mawrth 2010 gan awdurdodau tai lleol yng Nghymru.

Diwygio Rheoliadau Grantiau Adnewyddu Tai 1996

2. Diwygir Rheoliadau Grantiau Adnewyddu Tai 1996(2) yn unol â rheoliad 3.

3.—(1) Yn rheoliad 2 (dehongli)—

(1) 1996 p. 53. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 30 a 146 o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996 i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672; gweler y cofnod yn Atodlen 1 ar gyfer Deddf Grantiau Tai, Adeiladu ac Adfywio 1996). Yn rhinwedd paragraffau 30 a 32 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32) mae'r swyddogaethau a oedd gynt yn arferadwy gan Gynulliad Cenedlaethol Cymru yn arferadwy bellach gan Weinidogion Cymru.

(2) O.S. 1996/2890. Offerynnau diwygio perthnasol yw O.S. 2004/253 (Cy. 28), O.S. 2006/2801 (Cy. 240) ac O.S. 2008/2377 (Cy. 206).

- (a) Ar ôl y diffiniad o “community charge benefits” mewnosoder—

““contributory employment and support allowance” means an employment and support allowance entitlement to which depends on satisfying the basic conditions set out in subsection (3) of section 1 of the Welfare Reform Act 2007⁽¹⁾, and the requirements of subsection (2)(a) of that section;”;

- (b) ar ôl y diffiniad o “employed earner” mewnosoder—

““employment and support allowance” means an employment and support allowance payable under Part 1 of the Welfare Reform Act 2007;”;

- (c) ar ôl y diffiniad o “income-related benefit” mewnosoder—

““income-related employment and support allowance” means an employment and support allowance entitlement to which depends on satisfying the basic conditions set out in subsection (3) of section 1 of the Welfare Reform Act 2007, and the requirements of subsection (2)(b) of that section;”;

- (ch) ar ôl y diffiniad o “invalid carriage or other vehicle” mewnosoder—

““jobseeker's allowance” means an allowance payable under the Jobseekers Act 1995⁽²⁾”;

- (d) ar ôl y diffiniad o “the MacFarlane Trusts” mewnosoder—

““main phase contributory employment and support allowance” means contributory employment and support allowance where the calculation of the amount payable in respect of the claimant includes an addition under section 2(1)(b) of the Welfare Reform Act 2007;

“main phase employment and support allowance” means an employment and support allowance where the calculation of the amount payable in respect of the claimant includes an addition under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007;”;

- (dd) yn lle’r diffiniad o “young person” rhodder—

““young person” means a person who is—

⁽¹⁾ 2007 p. 5.
⁽²⁾ 1995 p. 18.

- “(a) a qualifying young person within the meaning of section 142(2)(a) of the 1992 Act; and
- (b) not in receipt of income support(1), jobseeker's allowance, incapacity benefit(2) or employment and support allowance;”.

(2) Yn rheoliad 10 (y swm cymwys), ym mharagraff (3), yn lle is-baragraff (a) rhodder—

- “(a) a relevant person who is in receipt of, and entitled to be in receipt of—
 - (i) council tax benefit(3);
 - (ii) housing benefit(4);
 - (iii) income-based jobseeker's allowance(5);
 - (iv) income-related employment and support allowance; or
 - (v) income support;”.

(3) Yn rheoliad 19 (trin ffioedd gofal plant (6))—

- (a) ym mharagraff (1A)—
 - (i) hepgorer y gair “or” lle y mae'n digwydd ar ddiwedd is-baragraff (c); a
 - (ii) yn lle is-baragraff (d) rhodder—
 - “(d) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975(7); or
 - (e) is paid employment and support allowance.”;
- (b) ym mharagraff (1B) yn is-baragraff (a), ar ôl “short-term incapacity benefit” mewnosoder “, employment and support allowance”;
- (c) ym mharagraff (3)—
 - (i) ar ddiwedd is-baragraff (b) mewnosoder “or the Employment and Support Allowance Regulations 2008(8);”

- (1) I gael y diffiniad o “income support” gweler rheoliad 2 (dehongli) o Reoliadau Grantiau Adnewyddu Tai 1996 (O.S. 1996/2890) (“y prif Reoliadau”).
- (2) I gael y diffiniad o “incapacity benefit” gweler rheoliad 2 o'r prif Reoliadau.
- (3) I gael y diffiniad o “council tax benefit” gweler rheoliad 2 o'r prif Reoliadau.
- (4) I gael y diffiniad o “housing benefit” gweler rheoliad 2 o'r prif Reoliadau.
- (5) I gael y diffiniad o “income-based jobseeker's allowance” gweler rheoliad 2 o'r prif Reoliadau.
- (6) Mewnosodwyd paragraffau (1A) ac (1B) o reoliad 19 gan reoliadau 4 a 13(b) o O.S. 2006/2801.
- (7) Mewnosodwyd rheoliad 8B o Reoliadau Nawdd Cymdeithasol (Credydau) 1975 (O.S. 1975/556) gan reoliad 2(6) o O.S. 1996/2367.
- (8) O.S. 2008/794.

(ii) yn lle is-baragraff (c) rhodder—

“(c) the relevant person—

(i) is or is treated as incapable of work, and has been incapable or treated as incapable of work in accordance with the provisions of, and regulations made under, Part XIIA of the 1992 Act (incapacity for work⁽¹⁾) for a continuous period of not less than 196 days, and for this purpose any two or more periods separated by a break of not more than 56 days shall be treated as one continuous period; or

(ii) has, or is being treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days, and for this purpose any two or more periods separated by a break of not more than 84 days shall be treated as one continuous period.”

(iii) yn is-baragraff (d) ar ôl paragraff (vi) mewnosoder—

“(vii) main phase employment and support allowance;”.

(4) Yn rheoliad 41 (myfyrwyr – dehongli) yn y diffiniad o “access funds”⁽²⁾ yn is-baragraff (d)—

(a) ar ôl “learner support funds” mewnosoder—

“or “discretionary support funds”⁽³⁾”;

(b) ar ôl “the Learning and Skills Act 2000” mewnosoder—

“or by the Chief Executive for Skills Funding under the Apprenticeships, Skills, Children and Learning Act 2009⁽⁴⁾”.

(5) Yn Atodlen 1 (symiau cymwys)—

(a) yn is-baragraff (1) o baragraff 1—

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- (1) Diffinnir “the 1992 Act” yn rheoliad 2 o Reoliadau Grantiau Adnewyddu Tai 1996, fel “the Social Security and Benefits Act 1992” (1992 p. 4). Mewnosodwyd Rhan XIIA o'r Ddeddf honno gan adran 5 o Ddeddf Nawdd Cymdeithasol (Analluedd i Weithio) 1994 (1994 p. 18).
- (2) Mewnosodwyd diffiniad o “access funds” yn rheoliad 41 gan O.S. 2001/2073 (Cy.145) fel y'i diwygiwyd o'r blaen mewn perthynas â Chymru gan O.S. 2002/2798 (Cy.266) ac O.S. 2005/3238 (Cy.243).
- (3) Disodlwyd “learner support funds” gan “discretionary support funds”.
- (4) 2009, p.22.

- (i) yn y golofn o dan y pennawd “*Person or couple*”, o dan y cofnod yn (b), mewnosoder “(c) any age and entitled to main phase employment and support allowance” ; a
 - (ii) yn y golofn o dan y pennawd “*Amount*”, o dan y cofnod yn (b) mewnosoder “(c) £64.30”;
- (b) yn is-baragraff (2) o baragraff 1—
- (i) yn y golofn o dan y pennawd “*Person or couple*”, o dan y cofnod yn (b), mewnosoder “(c) any age and entitled to main phase employment and support allowance” ; a
 - (ii) yn y golofn o dan y pennawd “*Amount*”, o dan y cofnod yn (b) mewnosoder “(c) £64.30”;
- (c) ym mharagraff 12 (amod ychwanegol ar gyfer premiwm uwch pensynwr a phremiwm uwch anabledd), yn lle is-baragraff (1)(a)(i) a (ii) rhodder—

“(i) is in receipt of one or more of the following benefits: attendance allowance(1), disability living allowance(2), the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(3), mobility supplement(4), long-term incapacity benefit under Part II of the 1992 Act, main phase contributory employment and support allowance, or severe disablement allowance under Part III of the 1992 Act, but in the case of long-term incapacity benefit, main phase employment and support allowance or severe disablement allowance only where it is paid in respect of him, or;

(ii) was in receipt of long-term incapacity benefit under Part II of the 1992 Act or main phase contributory employment and

(1) I gael y diffiniad o “attendance allowance” gweler rheoliad 2 o’r prif Reoliadau.
 (2) I gael y diffiniad o “disability living allowance” gweler rheoliad 2 o’r prif Reoliadau.
 (3) O.S. 2002/2005.
 (4) I gael y diffiniad o “mobility supplement” gweler rheoliad 2 o’r prif Reoliadau, a pharagraff 7 o Atodlen 3 iddynt.

support allowance when entitlement to that benefit or allowance ceased on account of the payment of a retirement pension under the 1992 Act and, if the long-term incapacity benefit or main phase employment and support allowance was payable to his partner, the partner is still a member of the family, or”;

(ch) yn lle paragraff 13A (premiwm anabled uwch), rhodder—

“Enhanced disability premium

13A. The condition is that—

- (a) the care component of disability living allowance is payable, or but for a suspension of benefit in accordance with regulations under section 113(2) of the 1992 Act or an abatement as a consequence of hospitalisation, would be payable, at the highest rate prescribed under section 72(3) of the 1992 Act; or
- (b) contributory employment and support allowance which includes the support component is payable,

in respect of the relevant person or a member of the relevant person's family, who is aged less than 60.”

(6) Yn Atodlen 2 (symiau i'w hanwybyddu wrth bennu enillion), yn lle is-baragraff (a) o baragraff 12 rhodder—

“(a) is in receipt of council tax benefit, guarantee credit⁽¹⁾, housing benefit, income-based jobseeker's allowance, income-related employment and support allowance or income support; or”

(7) Yn Atodlen 3 (symiau i'w hanwybyddu wrth bennu incwm heblaw enillion)—

(a) yn lle is-baragraff (a) o baragraff 4 rhodder—

(b) is in receipt of council tax benefit, guarantee credit, housing benefit, income-based jobseeker's allowance, income-related employment and support allowance or income support; or”; a

(1) I gael y diffiniad o “guarantee credit” gweler rheoliad 2 o Reoliadau Grantiau Adnewyddu Tai 1996.

(b) yn lle paragraff 6 rhodder—

“Any concessionary payment made to compensate for the non-payment of—

- (a) any payment specified in paragraph 5 or 8;
- (b) an income-based jobseeker's allowance;
- (c) income-related employment and support allowance;
- (d) income support; or
- (e) state pension credit.”

(8) Yn Atodlen 4 (cyfalaf i’w anwybyddu)—

(a) ym mharagraff 6 yn lle is-baragraff (a) rhodder—

“(a) is in receipt of council tax benefit, guarantee credit, housing benefit, income-based jobseeker's allowance, income-related employment and support allowance; or income support; or”; a

(b) ym mharagraff 9, ar ôl is-baragraff (f) mewnosoder—

“(g) income-related employment and support allowance.”.

Jocelyn Davies

Y Dirprwy Weinidog dros Dai ac Adfywio o dan awdurdod y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai, un o Weinidogion Cymru.

10 Chwefror 2010