

Y PWYLLGOR DEDDFAU

ADRODDIAD I'R CYNULLIAD AR REOLIADAU GRANTIAU ADNEWYDDU TAI (DIWYGIO) CYMRU 1999

ADRODDIAD Y PWYLLGOR DEDDFAU

Rheol Sefydlog 11.5

Nid yw'r Pwyllgor Deddfau wedi nodi unrhyw bwynt o dan RhS 11.5.

fel mater lle mae angen iddo ddwyn sylw arbennig y Cynulliad ato.

Cefndir

Mae adran 1 o'r Ddeddf Grantiau Tai, Adeiladu ac Adnewyddu 1996 ("y Ddeddf") yn darparu ar gyfer argaeledd grantiau o awdurdodau lleol i wella neu atgyweirio tai, trosi tai, a darparu cyfleusterau i bobl anabl.

Mae adran 2 o'r Ddeddf yn gosod y drefn ar gyfer ymgeisio am y grantiau.

Mae adran 30 o'r Ddeddf yn rheoleiddio trefn profi moddion ariannol ymgeiswyr drwy ddarparu bod rheoliadau yn cael eu gwneud i asesu adnoddau ariannol. Mae yna reoliadau wedi'u gwneud o dan yr adran hon, ac fe'u hadnabyddir fel Rheoliadau Grantiau Adnewyddu Tai 1996 ("y prif Reoliadau").

Mae'r rheoliadau hyn yn diwygio'r prif Reoliadau yn bennaf oherwydd bod credyd teulu a lwfans gweithio i'r anabl wedi'u disodli gan rai newydd sef credyd treth i deuluoedd mewn gwaith a chredyd treth i berson anabl.

Mae'r rheoliadau yn ailadrodd rheoliadau a wnaed yn Lloegr ar 14 Medi 1999.

Sylwadau ar y Rheoliadau

1. Mae yna rai materion drafftio yn y fersiwn Gymraeg o'r paragraff esboniadol y gellid eu hailystyried. Mae "Prawf moddion" fel cyfieithiad o "means test" yn dechnegol gywir, ond y defnydd cyffredin o'r gair "moddion" yw "medicine" – byddai "prawf moddion ariannol" h.y. financial means test" efallai yn fwy priodol.
2. Mwy arwyddocaol yw'r cyfieithiad o "owner-occupier and tenant-applicants" fel "ceiswyr sy'n

berchen-feddianwyr a thenantiaid" h.y. "applicants who are owner-occupiers and tenants".

Mae'n bosibl dehongli hyn fel bod yn rhaid i'r ymgeiswyr fod yn berchen-feddiannwyr a thenantiaid, felly byddai "ceiswyr sy'n berchen-feddiannwyr *neu* denantiaid" yn well.

3. Dyddiad disodli credyd teulu a lwfans gweithiol i'r anabl oedd 5 Hydref a dylid ymgorffori hwn lle bo'n briodol (gadawyd bylchau yn y testun). Mae'r dyddiad hwn yn codi'r cwestiwn beth a fu'n digwydd o 5 Hydref tan y presennol – mae'n ymddangos na fyddai person sydd er enghraifft yn cael credyd treth i berson anabl yn gymwys i gael grant o dan y prawf moddion, am nad yw'r rheoliadau presennol yn cydnabod bodolaeth y budd-dâl arbennig hwn. Fe all fod yna ddarpariaethau trosiannol i gywiro'r broblem hon o dan Ddeddf Credyd Treth 1999 a gyflwynodd y newidiadau i'r budd-daliadau, ond os felly yna efallai fod y rheoliadau eu hunain yn ddiangen.

Fel y sonnir uchod gwnaethpwyd y rheoliadau cyfatebol yn Lloegr cyn 5 Hydref 1999.

4. Nid yw'r troednodiadau ar dudalennau 2 a 3 yn dilyn y drefn y cytunwyd arni, "d" yn cael ei ddefnyddio yn lle 'ch' yn y testun Cymraeg. Yn ogystal, dylai troednodyn (d) sy'n cyfeirio at "Ddeddf 1992" (ar y ddau dudalen) enwi'r Ddeddf (Deddf Nawdd Cymdeithasol, Cyfranddaliadau a Budd-daliadau 1992).
5. Yn y testun diwygio sy'n cael ei gyflwyno gan Reoliad 2 does dim bwlch rhwng "a" a "disabled" a dylid cywiro hyn yn y copi terfynol.
6. Mae'n debyg y bydd y Cynulliad yn sylwi fod yna gyfeiriad at yr Alban ym mharagraff 8(b)(2) o'r testun diwygiedig sy'n cael ei gyflwyno gan Rheoliad 4 ar dudalen 3. Mae hwn hefyd wedi'i gynnwys yn rheoliadau Lloegr a thybir ei fod yn delio gyda sefyllfa lle gall person sydd wedi'i gofrestru'n ddall yn yr Alban ymgeisio am grant tai yng Nghymru.
7. Mae'r testun diwygiedig yn cynnwys iaith ryw-benodol. Mae hyn yn adlewyrchu ffurf wreiddiol y prif Reoliadau. Ni fyddai'n addas i gywiro hyn heb newid ffurf gyfan y prif Reoliadau. Ar hyn o bryd byddai hyn yn dasg anymarferol.

M GERMAN

Cadeirydd

Pwyllgor Deddfau

Tachwedd 1999

LAD-01-01-026

LC21

1999 Rhif (Cy.)

TAI, CYMRU

**Rheoliadau Grantiau Adnewyddu Tai
(Diwygio) (Cymru) 1999**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Grantiau Adnewyddu Tai 1996 ("y prif Reoliadau") sy'n gosod y prawf moddion ar gyfer penderfynu swm y grant adnewyddu a'r grant cyfleusterau i'r anabl y gall awdurdodau tai lleol eu talu i geiswyr sy'n berchenfeddianwyr a thenantiaid o dan Bennod I o Ran I o Ddeddf Grantiau Tai, Adeiladu ac Adnewyddu 1996.

Mae'r diwygiadau gan mwyaf yn dilyn y diwygiadau i Reoliadau Budd-dâl Tai (Cyffredinol) 1987 (O.S. 1987/1971). Mae mân ddiwygiadau a diwygiadau drafftio hefyd.

1999 No. (W.)

HOUSING, WALES

**The Housing Renewal Grants
(Amendment) (Wales) Regulations 1999**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Renewal Grants Regulations 1996 ("the principal Regulations") which set out the means test for determining the amount of renovation grant and disabled facilities grant which may be paid by local housing authorities to owner-occupier and tenant applicants under Chapter I of Part I of the Housing Grants, Construction and Regeneration Act 1996.

Most of these amendments are consequential on amendments to the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971). There are also minor and drafting amendments.

Mae Rheoliad 3 yn diffinio credyd treth i deuluoedd mewn gwaith a chredyd treth i berson anabl, sy'n disodli credyd teulu a lwfans gweithio i'r anabl ill dau o

ymlaen. Cyflwynwyd credyd treth i deuluoedd mewn gwaith a chredyd treth i berson anabl gan Ddeddf Credydau Treth 1999.

Mae Rheoliad 4 yn newid y dull trin taliadau gofal plant perthnasol yn y prawf moddion er mwyn estyn oedrannau perthnasol y plant o ddeuddeg i un ar bymtheg, ac i un ar bymtheg yn achos plant anabl.

Mae Rheoliadau 6 a 7 yn diwygio'r darpariaethau ynglŷn â'r symiau i'w hanwybyddu wrth benderfynu enillion ac incwm arall yn Atodlenni 2 a 3 i'r prif Rheoliadau.

OFFERYNNAU STATUDOL

1999 Rhif (Cy.)

Regulation 3 defines working families' tax credit and disabled person's tax credit, which replace family credit and disability working allowance respectively from

. Working families' tax credit and disabled person's tax credit were introduced by the Tax Credits Act 1999.

Regulation 4 changes the treatment of relevant child care charges in the means test to extend the relevant ages of children from twelve to fifteen, and to sixteen in the case of disabled children.

Regulations 6 and 7 amend the provisions relating to the sums to be disregarded in the determination of earnings and other income in Schedules 2 and 3 to the principal Regulations.

STATUTORY INSTRUMENTS

1999 No. (W.)

TAI, CYMRU

Rheoliadau Grantiau Adnewyddu Tai (Diwygio) (Cymru) 1999

Wedi'u gwneud - 1999

Yn dod i rym 1999

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 30 a 146(1) a (2) o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996^(a), a freiniwyd ynddo bellach^(b), a phob per arall sy'n ei alluogi yn y cyswllt hwnnw.

Enwi, cychwyn a hyd a lled

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Grantiau Adnewyddu Tai (Diwygio) (Cymru) 1999 a deuant i rym ar 1999.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru'n unig.

Diwygiad

2. Diwygir Rheoliadau Grantiau Adnewyddu Tai 1996^(a) yn unol â'r rheoliadau canlynol.

HOUSING, WALES

The Housing Renewal Grants (Amendment) (Wales) Regulations 1999

Made - - - 1999

Coming into force 1999

The National Assembly for Wales makes the following Regulations in exercise of the powers given to the Secretary of State by sections 30 and 146(1) and (2) of the Housing Grants, Construction and Regeneration Act 1996^(a), which are now vested in it^(b), and of all other powers enabling it in that behalf.

Citation, commencement and extent

1.-(1) These Regulations may be cited as the Housing Renewal Grants (Amendment) (Wales) Regulations 1999 and shall come into force on

1999.

(2) These Regulations extend to Wales only.

Amendment

2. The Housing Renewal Grants Regulations 1996^(a) are amended in accordance with the following regulations.

Regulation 2

Rheoliad 2

3. Yn rheoliad 2(1) (dehongli)

- a. yn lle'r diffiniad o "disability working allowance", rhodder y diffiniad canlynol-

" "disabled person's tax credit" means a

disabled person's tax credit under section 129 of the 1992 Act^{(b)(b)} or a payment in accordance with an award of disability working allowance under that section which was awarded with effect from a date falling before ;";

- ar ôl y diffiniad o "water charges" mewnosoder-

" "working families' tax credit" means a working families' tax credit under section 128 of the 1992 Act^{(c)(c)} or a payment in accordance with an award of family credit under that section which was awarded with effect from a date falling before ;".

Rheoliad 19

4. Yn rheoliad 19 (trin taliadau gofal plant)

1. ym mharagraff 4^(a), yn lle'r diffiniad o "relevant child care charges", rhodder-

3. In regulation 2(1) (interpretation)-

- (a) for the definition of "disability working allowance", substitute the following definition-

- (b) after the definition of "water charges" insert-

Regulation 19

4. In regulation 19 (treatment of child care charges)-

- (a) in paragraph 4^(a), for the definition of "relevant child care charges", substitute -

" "relevant child care charges" means those charges for care to which paragraphs (5) and (6) apply, and shall be calculated on a weekly basis in accordance with paragraph (2).";

(b) ar ôl paragraff (4) ychwaneger-

(b) after paragraph (4) add-

"(5) This paragraph applies to charges paid by the relevant person for care which is provided-

(a) in the case of any child of the relevant person's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday;

(b) in the case of any child of the relevant person's family who is disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's sixteenth birthday.

(6) This paragraph applies to charges paid for care which is provided in accordance with paragraph (7) but not paid-

(a) in respect of the child's compulsory education; or

(b) by a relevant person to a partner or by a partner to a relevant person in respect of any child for whom either of them is responsible in accordance with regulation 8 (circumstances in which a person is to be treated as responsible or not responsible for another).

(7) The care to which paragraph (6) refers is provided-

(a) by persons registered under section 71 of the Children Act 1989^{(b)(b)} (registration of child minders and persons providing day care for young children);

(b) out of school hours, by a school on school premises or by a local authority-

(i) for a child who is not disabled in respect of the period beginning on his eighth birthday and ending on the day preceding the first Monday in September following his fifteenth birthday, or

(ii) for a child who is disabled in respect of the period beginning on his eighth birthday and ending on the day preceding the first Monday in September following his sixteenth birthday;

(c) by a child care scheme operating on Crown property where registration under section 71 of the Children Act 1989 is not required; or

(d) in schools or establishments which are exempt from registration under section 71 of the Children Act 1989 by virtue of section 71(16) of, and paragraph 3 or 4 of Schedule 9 to, that Act.

(8) For the purposes of paragraphs (5) to (7)-

(a) a person shall be treated as a child in respect of the period commencing on his sixteenth birthday and ending on the day preceding the first Monday in September following his sixteenth birthday; and

(b) a child is disabled if he is a child-

(i) in respect of whom disability living allowance is payable, or has ceased to be payable solely because he is a patient;

(ii) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948^{(a)(a)} (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a regional or islands council; or

(iii) who ceased to be registered as blind in such a register within the 28 weeks immediately preceding the date of claim."

Rheoliadau 25 a 27

5. Yn rheoliadau 25(2) (penderfynu enillion net enillwyr cyflogedig) a 27(2) (penderfynu elw net enillwyr hunangyflogedig), yn y ddau achos-

(a) o flaen "paragraphs" mewnosoder "any of", a

(b) yn lle "14" rhodder "16 and 18".

Atodlen 2

6. Ar ddiwedd Atodlen 2 (symiau i'w hanwybyddu wrth benderfynu enillion), ychwaneger-

"18.-(1) In a case where the relevant person is a person who satisfies the conditions set out in either sub-paragraph (2) or (3), and his net earning equal or exceed the total of the amounts set out in sub-paragraph (4), the amount of his earnings that falls to be disregarded under paragraphs 3 to 10 of this Schedule shall be increased by an amount equal to either-

(a) the tax credit referred to in regulation 46(1)(aa) of the Family Credit Regulations if he satisfies the conditions of sub-paragraph (2); or

(b) the tax credit referred to in regulation 51(1)(bb) of the Disability Working Allowance Regulations if he satisfies the conditions of sub-paragraph (3),

and in a case where the relevant person satisfies the conditions of both sub-paragraph (2) and (3), his disregarded earnings shall be increased by the higher of the two amounts, or if they are the same, by that amount.

(2) The conditions of this sub-paragraph are that-

Regulations 25 and 27

5. In regulations 25(2) (determination of net earnings of employed earners) and 27(2) (determination of net profit of self-employed earners), in each case -

(a) before "paragraphs" insert "any of", and

(b) for "14" substitute "16 and 18".

Schedule 2

6. At the end of Schedule 2 (sums to be disregarded in the determination of earnings), add-

(a) the relevant person or, if he is a member of a couple, the relevant person or his partner, is a person to whom regulation 46(1)(aa) of the Family Credit Regulations applies; or

(b) -

(i) the relevant person is or, if he is a member of a couple, one member of that couple is or both members are, engaged in remunerative work for on average not less than 30 hours per week; and

(ii) the relevant person's applicable amount includes a family premium under paragraph 3 of Schedule 1 to these Regulations.

(3) The conditions of this sub-paragraph are that-

(a) the relevant person or, if he is a member of a couple, the relevant person or his partner, is a person to whom regulation 51(1)(bb) of the Disability Working Allowance Regulations applies; or

(b) -

(i) the relevant person is or, if he is a member of a couple, one member of that couple is or both members are, engaged in remunerative work for on average not less than 30 hours per week; and

(ii) the relevant person's applicable amount includes a higher pensioner premium or a disability premium under paragraph 10 or 11 of Schedule 1 to these Regulations respectively; and

(iii) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the higher pensioner premium or the disability premium referred to in sub-paragraph (ii) above and is engaged in remunerative work for on average not less than 16 hours per week.

(4) The following are the amounts referred to in sub-paragraph (1)-

(a) the amount calculated as disregardable from the relevant person's earnings under paragraphs 3 to 10 of this Schedule;

(b) the amount of child care charges calculated as deductible under regulation 18(1); and

(c) -

(i) in the case of a relevant person who satisfies the conditions of sub-paragraph (2), the amount of the tax credit referred to in regulation 46(1)(aa) of the Family Credit Regulations; or

(ii) in the case of a relevant person who satisfies the conditions of sub-paragraph (3), the amount of the tax credit referred to in regulation 51(1)(bb) of the Disability Working Allowance Regulations;

and in a case where the relevant person satisfies the conditions of both sub-paragraphs (2) and (3) the higher of the two amounts or, if they are the same, that amount.

(5) In this paragraph -

"the Family Credit Regulations" means the Family Credit (General) Regulations 1987^{(a)(a)} ; and

"the Disability Working Allowance Regulations" means the Disability Working Allowance (General) Regulations 1991^{(b)(b)} .".

Atodlen 3

7. Yn Atodlen 3 (symiau i'w hanwybyddu wrth benderfynu incwm heblaw enillion)-

(a) ym mharagraff 54-

Schedule 3

7. In Schedule 3 (sums to be disregarded in the determination of income other than earnings)-

(a) in paragraph 54-

(i) ar ddechrau'r paragraff
hwnnw, mewnosoder-

(i) at the beginning of that
paragraph, insert-

"Except in a case which falls under paragraph 18 of Schedule 2 to these Regulations,"

a

and

(ii) yn lle "amount of disability
working allowance" rhodder
"amount of disabled person's
tax credit";

(ii) for "amount of
disability working
allowance" substitute
"amount of disabled
person's tax credit";

(b) ym mharagraff 55-

(b) in paragraph 55-

(i) ar ddechrau'r paragraff
hwnnw, mewnosoder-

(i) at the beginning of that
paragraph, insert-

"Except in a case which falls under paragraph 18 of Schedule 2 to these Regulations,"

a

and

(ii) yn lle "amount of family
credit", rhodder "amount of
working families' tax credit".

(ii) for "amount of family
credit", substitute "amount
of working families' tax
credit".

Cymhwyso

Application

8. Ni chaiff y diwygiadau a wneir gan y Rheoliadau hyn effaith ynglŷn â cheisiadau am grant a wneir cyn y dyddiad y daw'r Rheoliadau hyn i rym.

8. The amendments made by these Regulations shall not have effect in relation to applications for grant made before the date on which these Regulations come into force.

Llofnodwyd ar ran Cynulliad Cenedlaethol
Cymru o dan adran 66(1) o Ddeddf
Llywodraeth Cymru 1998^(a)

1999

Llywydd y Cynulliad Cenedlaethol

Signed on behalf of the National Assembly for
Wales under section 66(1) of the Government of
Wales Act 1998^(a)

1999

The Presiding Officer of the Assembly