OFFERYNNAU STATUDOL CYMRU

2010 Rhif 297 (Cy.39)

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)—

(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(**3**), and the requirements of subsection (2)(a) of that section;";

(b) ar ôl y diffiniad o "employed earner" mewnosoder—

(**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).

(**3**) 2007 p. 5.

""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(**4**)

(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;"; ac

(dd) yn lle'r diffiniad o "young person" rhodder—

""young person" means a person who is—

("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(**5**), jobseeker's allowance, incapacity benefit(**6**) 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(**7**);

(ii) housing benefit(**8**);

(iii) income-based jobseeker's allowance(**9**);

(iv) income-related employment and support allowance; or

(v) income support;".

(3) Yn rheoliad 19 (trin ffioedd gofal plant (**10**))—

(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—

(**4**) 1995 p. 18.
(**5**) I gael y diffiniad o "income support" *gweler* rheoliad 2 (dehongli) o Reoliadau Grantiau Adnewyddu Tai 1996 (O.S. 1996/2890) ("y prif Reoliadau").
(**6**) I gael y diffiniad o "incapacity benefit" *gweler* rheoliad 2 o'r prif Reoliadau.
(**7**) I gael y diffiniad o "council tax benefit" *gweler* rheoliad 2 o'r prif Reoliadau.
(**8**) I gael y diffiniad o "housing benefit" *gweler* rheoliad 2 o'r prif Reoliadau.
(**9**) I gael y diffiniad o "income-based jobseeker's allowance" *gweler* rheoliad 2 o'r prif Reoliadau.
(**10**) Mewnosodwyd paragraffau (1A) ac (1B) o reoliad 19 gan reoliadau 4 a 13(b) o O.S. 2006/2801.

"(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(**11**); 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(**12**);"

(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(**13**)) 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"(**14**) yn is-baragraff (d)—

(a) ar ôl "learner support funds" mewnosoder—
"or "discretionary support funds"(**15**)

(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(**16**)

(5) Yn Atodlen 1 (symiau cymwys)—

(a) yn is-baragraff (1) 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";

(**11**) Mewnosodwyd rheoliad 8B o Reoliadau Nawdd Cymdeithasol (Credydau) 1975 (O.S. 1975/556) gan reoliad 2(6) o O.S. 1996/2367.
(**12**) O.S. 2008/794.
(**13**) 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).
(**14**) 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).
(**15**) Disodlwyd "learner support funds" gan "discretionary support funds".
(**16**) 2009 p.22.