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TAI, CYMRU

Rheoliadau Grantiau Adnewyddu Tai (Diwygio) (Cymru) 2004

Wedi'u gwneud - -	*4 Chwefror 2004*
Yn dod i rym - -	*9 Chwefror 2004*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 30 a 146(1) a (2) o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996(**1**), drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Grantiau Adnewyddu Tai (Diwygio) (Cymru) 2004.

(2) Daw'r Rheoliadau hyn i rym ar 9 Chwefror 2004.

Cymhwyso

2. Mae'r Rheoliadau hyn yn gymwys i geisiadau am grant sy'n cael eu gwneud ar neu ar ôl 9 Chwefror i awdurdodau tai lleol yng Nghymru.

Diwygiadau

3. Mae Rheoliadau Grantiau Adnewyddu Tai 1996(**2**) yn cael eu diwygio yn unol â'r Rheoliadau canlynol.

Rheoliad 2

4. Yn rheoliad 2(1) (dehongli) —

(a) ar ôl y diffiniad o "the 1992 Act" mewnosodwch —

(**1**) 1996 p. 53; trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan yr adrannau hyn, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ac Atodlen 1 iddo, O.S. 1999/672, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn. Diwygiwyd adran 30 gan erthygl 11 o Orchymyn Diwygio Rheoleiddio (Cymorth Tai) (Lloegr a Chymru) 2002 ac Atodlen 3 iddo, O.S. 2002/1860 ("Gorchymyn 2002").

(**2**) O.S. 1996/2890, a ddiwygiwyd gan O.S. 1996/3119, O.S. 1997/977, O.S. 1998/808, O.S. 1999/1523, O.S. 1999/3468 (Cy.54), O.S. 2000/973 (Cy.43), O.S. 2001/2073 (Cy.145), O.S. 2001/4007 (Cy.333) ac O.S. 2002/2798(Cy.266).

""adoption leave" means a period of absence from work on ordinary or additional adoption leave under section 75A or 75B of the Employment Rights Act 1996(**3**);";

(b) yn lle'r diffiniad o "application" rhowch —

""application", without more, means an application for grant(**4**) other than an application to which section 31 applies(**5**) and "applicant" shall be construed accordingly;";

(c) ar ôl y diffiniad o "child benefit" mewnosodwch —

""child tax credit" means a child tax credit under section 8 of the Tax Credits Act 2002;"(**6**));

(ch) hepgorwch y diffiniad o "disabled person's tax credit";

(d) ar ôl y diffiniad o "disability living allowance" mewnosodwch —

""dwelling" includes a qualifying houseboat and a qualifying park home;"(**7**);

(dd) ar ôl y diffiniad o "the Fund" mewnosodwch —

""guarantee credit" shall be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002;"(**8**));

(e) yn y diffiniad o "married couple" ar ôl "means" mewnosodwch ", except in regulation 10(2)(aa), paragraph 12(b) of Schedule 2, paragraph 4(b) of Schedule 3 and paragraph 6(b) of Schedule 4,";

(f) ar ôl y diffiniad o "partner" mewnosodwch —

""parental leave" means maternity leave, paternity leave or adoption leave;

"paternity leave" means a period of absence from work on leave under section 80A or 80B of the Employment Rights Act 1996;"(**9**);

(ff) ar ôl y diffiniad o "sports award" mewnosodwch —

""state pension credit" has the same meaning as in the State Pension Credit Act 2002"(**10**);

(g) yn y diffiniad o "unmarried couple" ar ôl "means" mewnosodwch ", except in regulation 10(2)(aa) and paragraph 4(b) of Schedule 3";

(ng) yn lle'r diffiniad o "working families' tax credit" rhowch —

""working tax credit" means a working tax credit under section 10 of the Tax Credits Act 2002;"; ac

(h) ar ôl y diffiniad o "war disablement pension" a "war widow's pension" mewnosodwch —

""war widower's pension" means any widower's pension or allowance granted in respect of a death due to service or war injury and payable by virtue of the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939,

(**3**) 1996 p. 18; mewnosodwyd adrannau 75A a 75B o'r Ddeddf hon gan adran 3 o Ddeddf Gyflogaeth 2002 (p.22).
(**4**) I gael ystyr "grant" *gweler* adran 1(6) o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996 ("Deddf 1996") fel y'i diwygiwyd gan baragraff 2 o Atodlen 3 i Orchymyn 2002.
(**5**) Diwygiwyd adran 31 gan baragraff 12 o Atodlen 3 i Orchymyn 2002.
(**6**) 2002 p. 21.
(**7**) I gael ystyr "qualifying houseboat and qualifying park home" *gweler* adran 58 o Ddeddf 1996 fel y'i diwygiwyd gan baragraff 25 o Atodlen 3 i Orchymyn 2002.
(**8**) 2002 p. 16.
(**9**) Mewnosodwyd adrannau 80A a 80B o'r Ddeddf hon gan adran 1 o Ddeddf Gyflogaeth 2002 (p.22).
(**10**) *Gweler* adran 1(1) o Ddeddf Credyd Pensiwn y Wladwriaeth 2002

the Polish Resettlement Act 1947 or Part 7 or section 151 of the Reserve Forces Act 1980;".

Rheoliad 5

5. Yn rheoliad 5 (diffinio person perthnasol) —

(a) hepgorwch baragraff (1);

(b) ym mharagraff (2) yn lle'r geiriau o "in respect" hyd at "relevant person" rhowch "a relevant person in respect of an application"; ac

(c) ym mharagraff (3) hepgorwch "sub-paragraph (a) or (b) of paragraph (1), or".

Rheoliad 7

6. Yn rheoliad 7 (gwaith am dâl) —

(a) ym mharagraff (6), ar ôl "income support" rhowch ", state pension credit"; a

(b) ym mharagraff (7) yn lle "maternity leave" rhowch "parental leave".

Rheoliad 10

7. Yn rheoliad 10 (y swm sy'n gymwys)(**11**) —

(a) ym mharagraff (1)(b) —

(i) yn lle "£52.27" rhowch "£53.79";

(ii) yn lle "£67.95" rhowch "£69.92"; a

(iii) hepgorwch "disabled facilities"; a

(b) ym mharagraff (2) ar ôl is-baragraff (a) mewnosodwch —

"(aa) as regards

(i) a relevant person who is in receipt of guarantee credit; and

(ii) those relevant persons who are members of a married or unmarried couple (within the meaning of the State Pension Credit Act 2002), the other member of which is in receipt of guarantee credit,

is £1;"(**12**).

Rheoliad 12

8. Yn rheoliad 12 (gostyngiad yn swm y grant) —

(a) ym mharagraff (1), yn lle "owner-occupation certificate" rhowch "owner's certificate";

(b) ym mharagraff (2), ar ôl "tenant's certificate" mewnosodwch "or occupier's certificate"(**13**).

Rheoliad 13

9. Yn rheoliad 13 (ceisiadau olynol) —

(a) ym mharagraff (2), hepgorwch "or section 32(4) of the Act (apportionment in tenants' common parts application)";

(**11**) Diwygiwyd rheoliad 10 gan O.S. 1998/808, O.S. 2000/973, O.S. 2001/2073 (Cy.145) ac O.S. 2002/2798 (Cy.266).

(**12**) 2002 p. 16; i gael ystyr "married couple" neu "unmarried couple" *gweler* adran 17(1) a (2)(a).

(**13**) I gael ystyr "occupier's certificate" *gweler* adran 22A o Ddeddf 1996, fel y'i mewnosodwyd gan baragraff 6 o Atodlen 3 i Orchymyn 2002.

(b) ym mharagraff (3)(a), hepgorwch "disabled facilities", yn yr ail le y mae'r geiriau hyn yn ymddangos; ac

(c) ym mharagraff (3)(b), ar ôl "tenant's certificate" rhowch "or occupier's certificate".

Rheoliad 18

10. Yn rheoliad 18(1ZA) (penderfynu incwm yn wythnosol)(**14**), yn lle "working families' tax credit or disabled person's tax credit" rhowch "working tax credit or child tax credit".

Rheoliad 19

11. Yn rheoliad 19 (trin taliadau gofal plant)(**15**)) —

(a) yn lle paragraff (9) rhowch —

"(9) For the purposes of paragraph (1) a person on parental leave shall be treated as if engaged in remunerative work for the period specified in sub-paragraph (b) ("the relevant period") provided that —

(a) in the week before the period of leave began the person was in remunerative work;

(b) the relevant person incurred relevant child care charges in that week; and

(c) the person on leave is entitled to parental support.

(9A) For the purposes of paragraph (9) the relevant period shall begin on the day on which the person's parental leave commences and shall end on—

(a) the date that leave ends;

(b) if no tax credit is in payment on the date that entitlement to parental support ends, the date that entitlement ends; or

(c) if a tax credit is in payment on the date that entitlement to parental support ends, the date that entitlement to that award of tax credit ends,

whichever shall occur first.

(9B) In paragraphs (9) and (9A) —

(a) "parental support" means —

(i) statutory maternity pay under section 164 of the 1992 Act,

(ii) statutory paternity pay under section 171ZA or section 171ZB of that Act,

(iii) statutory adoption pay under section 171ZA of that Act,

(iv) maternity allowance under section 35 of that Act, and

(v) income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987"(**16**); and

(b) "tax credit" means —

(i) working tax credit; and

(ii) child tax credit."; and

(**14**) Mewnosodwyd paragraff (1ZA) o reoliad 18 gan O.S. 2001/2073.
(**15**) Mewnosodwyd rheoliad 19, paragraff (9), gan O.S. 2002/2798.
(**16**) O.S. 1987/1967, a ddiwygiwyd gan O.S. 1996/206 ac O.S. 2003/455.

(b) ym mharagraff (10), yn lle "woman on maternity leave" rhowch "person on parental leave".

Rheoliad 24

12. Yn rheoliad 24(1)(j) (enillion enillwyr cyflogedig), yn lle "maternity leave" rhowch "parental leave".

Rheoliad 30

13. Yn rheoliad 30 (cyfalaf sy'n cael ei drin fel incwm) —

(a) ar ddiwedd paragraff (a), hepgorwch "and"; a

(b) ar ôl paragraff (b) ychwanegwch —

"; and

(c) any payment made in consequence of any personal injury to a relevant person pursuant to any agreement or court order, where such payments are to be made, wholly or partly, by way of periodical payments.".

Rheoliad 31

14. Yn rheoliad 31 (incwm tybiannol) —

(a) hepgorwch baragraff (11); a

(b) ym mharagraff (12), hepgorwch "and (11)".

Rheoliad 40

15. Yn rheoliad 40 (penderfynu incwm tariff o gyfalaf) —

(a) yn lle paragraff (1) rhowch —

"(1) Where the relevant person's capital determined in accordance with this Chapter and Chapters 4 to 8 exceeds £6000 it shall be treated as equivalent to a weekly tariff income of —

(a) where the relevant person is aged under 60, £1 for each complete £250 in excess of £6000; and

(b) where the relevant person is aged 60 or over, £1 for each complete £500 in excess of £6000.";

(b) ym mharagraff (2), ar ôl "£250" mewnosodwch " or £500, as the case may be".

Rheoliad 43

16. Yn rheoliad 43 (penderfynu incwm grant)(**17**) —

(a) ym mharagraff (3)(a)(**18**) yn lle "£260" rhowch "£270";

(b) ym mharagraff (3)(b) yn lle "£319" rhowch "£340"; ac

(c) ar ôl paragraff (3A)(d) ychwanegwch —

"(e) any grant paid under the Schedule to the Education (Assembly Learning Grant Scheme) (Wales) Regulations 2002; and

(**17**) Diwygiwyd rheoliad 43 gan O. S. 1998/808, O.S. 1999/1523, O.S. 2000/973 (Cy.43), O.S. 2001/2073 (Cy.145) ac O.S. 2002/2798.

(**18**) Diwygiwyd paragraff (3) gan O.S. 2000/973 (Cy.43), O.S. 2001/2073 ac O.S. 2002/2798.