



OFFERYNNAU STATUDOL
CYMRU

2011 Rhif 656 (Cy.94)

ARBED YNNI, CYMRU

Rheoliadau Cynlluniau
Effeithlonrwydd Ynni Cartref
(Cymru) 2011

NODYN ESBONIADOL

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

Mae adran 15(1) o Ddeddf Nawdd Cymdeithasol 1990(1) (fel y'i diwygiwyd gan adran 142 o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996 (2)) yn darparu bod yr Ysgrifennydd Gwladol yn cael gwneud, neu drefnu gwneud, grantiau tuag at gost gwaith neu gyngor i wella inswleiddiad thermol neu i leihau neu atal gwastraff ynni mewn modd arall mewn anheddau.

Gwnaed swyddogaethau'r Ysgrifennydd Gwladol o dan y ddarpariaeth hon yn arferadwy gan Gynulliad Cenedlaethol Cymru, o ran Cymru, yn rhinwedd erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999(3) ac Atodlen 1 iddo. Maent bellach yn arferadwy o ran Cymru gan Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006, a pharagraff 30 o Atodlen 11 iddi(4).

Nododd Rheoliadau Cynlluniau Effeithlonrwydd Ynni Cartref (Cymru) 2007 ("Rheoliadau 2007")(5) y cynlluniau ar gyfer darparu grantiau i bersonau ar incwm isel sydd â phlant, neu sy'n oedrannus, yn anabl neu'n wael eu hiechyd. Roeddent hefyd yn darparu ar gyfer cymhwysra i gael grant, penderfyniadau gan y Cynulliad ar gategoriâu o weithfeydd, y lefelau uchaf o

(1) 1990 p.27.

(2) 1996 p.53.

(3) O.S. 1999/672.

(4) 2006 p.32.

(5) O.S. 2007/375 (Cy.35).

WELSH STATUTORY
INSTRUMENTS

2011 No. 656 (W.94)

**ENERGY CONSERVATION,
WALES**

The Home Energy Efficiency
Schemes (Wales) Regulations 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 15(1) of the Social Security Act 1990(1) (as amended by section 142 of the Housing Grants, Construction and Regeneration Act 1996(2)) provides that the Secretary of State may make, or arrange for the making of, grants towards the cost of work or advice to improve thermal insulation or otherwise to reduce or prevent energy wastage in dwellings.

The Secretary of State's functions under this provision were made exercisable, in relation to Wales, by the National Assembly for Wales by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999(3). They are now exercisable in relation to Wales by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006(4).

The Home Energy Efficiency Scheme (Wales) Regulations 2007 ("the 2007 Regulations")(5) set out the schemes for providing grants to persons on low incomes who have children, or are elderly, disabled or in poor health. They also provided for eligibility to receive a grant, determination by the Assembly of categories of works, the maximum levels of grants

(1) 1990 c.27.

(2) 1996 c.53.

(3) S.I. 1999/672.

(4) 2006 c.32.

(5) S.I. 2007/375 (W.35).

grantiau sydd ar gael, at ba ddibenion y caniateir i grantiau gael eu cymeradwyo a'r dull o wneud cais am grant.

Mae'r rheoliadau hyn yn dirymu Rheoliadau 2007 ac yn cymryd eu lle yn llwyr.

Mae rheoliad 2 yn nodi'r diffiniadau o dermau penodol a ddefnyddir yn y rheoliadau.

Mae rheoliad 3 yn cynnwys darpariaethau dirymu a darpariaethau trosiannol. Ymdrinnir â chais am grant a wnaed gan berson o dan Reoliadau 2007 yn unol â'r rheoliadau hyn, os (ar yr adeg y daw'r rheoliadau hyn i rym) bydd y naill neu'r llall o'r canlynol yn wir, sef (a) bod y cais heb gael ei gymeradwyo na'i wrthod, neu (b) bod y cais wedi cael ei gymeradwyo ond bod y gweithfeydd heb gychwyn.

Mae rheoliad 4 yn gwneud darpariaeth i Weinidogion Cymru benodi asiantaeth ardal i weinyddu'r Cynllun Effeithlonrwydd Ynni Cartref (y "Cynllun"), i ddyrannu arian i'r asiantaeth ardal at y diben o wneud grantiau, ac i dalu arian grant yn uniongyrchol i'r person sy'n gwneud y gwaith gwella.

Mae rheoliad 5 yn ymwneud â chymhwysra personau i wneud cais am grant neu am gyngor o dan y Cynllun. Yn gyffredinol, ni cheir ystyried ceisiadau ond pan fo'r ceisydd naill ai yn ddeiliad yr eiddo, neu'n meddiannu'r eiddo'n gyfreithlon fel ei unig neu ei brif breswylfa ("meddiannydd") ac yn bwriadu aros yno dros y tymor hir. Ond nid oes angen i'r ceisydd fod yn berchen ar rydd-ddaliad yr eiddo na bod â chytundeb tenantiaeth ffurfiol.

Caniateir i gais am gyngor oddi wrth unrhyw berson, sy'n feddiannydd ar yr annedd y mae'r cais yn ymwneud ag ef, gael ei ystyried.

O ran cais am weithfeydd, rhaid i'r annedd fod mewn meddiannaeth breifat (h.y. nid yn dŷ cyngor nac yn dŷ cymdeithasol), rhaid i'r meddiannydd fod yn derbyn un o'r budd-daliadau sy'n dibynnu ar prawf modd a restrir yn Rheoliad 2, a rhaid i ddsbarthiad ased yr annedd fod yn 38 neu lai. Mae i "dosbarthiad ased" yr ystyr a roddir i "*asset rating*" yn rheoliad 2(1) o Reoliadau Perfformiad Ynni Adeiladau (Tystysgrifau ac Arolygiadau) (Cymru a Lloegr) 2007(1).

Caniateir i gais am grant rhannol (h.y. cais y ceir cymeradwyo gwaith inswleiddio to a muriau yn unig ar ei gyfer) gael ei ystyried oddi wrth aelwydydd hyglwyf, sef pan fo'r ceisydd yn 60 oed neu drosodd, yn anabl neu â gwaeledd cronig, yn feichiog, neu yn meddiannu'r annedd gyda phlentyn neu berson ifanc o dan 25 oed.

Caniateir i'r meini prawf cymhwysra gael eu newid o bryd i'w gilydd gan yr asiantaeth ardal, gyda chydysyniad Gweinidogion Cymru.

available, the purposes for which grants may be approved and the method of applying for a grant.

These regulations revoke and replace the 2007 Regulations in full.

Regulation 2 sets out the definitions of certain terms used in the regulations.

Regulation 3 contains revocation and transitional provisions. A person who applied for a grant under the 2007 Regulations will have their application dealt with in accordance with these regulations, where (at the time of these regulations coming into force) either (a) the application has not been approved or rejected, or (b) approval has been received but works have not been commenced.

Regulation 4 provides for the Welsh Ministers to appoint an area agency to administer the Home Energy Efficiency Scheme (the "Scheme"), to allocate money to the area agency for the purpose of making grants, and to pay grant monies directly to the person who undertakes the improvement work.

Regulation 5 deals with the eligibility of persons to apply for a grant or for advice under the Scheme. In general, applications may only be considered where the applicant is either the householder, or lawfully occupies the property as his or her only or main residence ("occupant") and intends to remain there for the long term. But it is not necessary for the applicant to be the freehold owner or to have a formal tenancy arrangement.

An application for advice may be considered from any person who is an occupant of the dwelling to which the application relates.

In respect of an application for works, the dwelling must be in private occupancy (i.e. not council or social housing), the occupant must be in receipt of one of the means-tested benefits listed in Regulation 2, and the dwelling must have an asset rating of 38 or less. "Asset rating" has the meaning given in regulation 2(1) of the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007(1).

A partial grant application (i.e. one for which only roof and wall insulation may be approved) may be considered from vulnerable households, being those where the applicant is aged 60 or over, disabled or chronically ill, pregnant, or occupies the dwelling with a child or young person under the age of 25.

The eligibility criteria may be changed from time to time by the area agency, with the consent of the Welsh Ministers.

(1) O.S. 2007/991.

(1) S.I. 2007/991.

Mae rheoliad 6 yn nodi at ba amcanion y ceir cymeradwyo grant i roi cyngor neu i wneud gweithfeydd, neu'r ddau. Caiff yr asiantaeth ardal ychwanegu at y dibenion hyn neu eu newid, a gosod amodau, a safonau gofynnol o ran crefftwaith ac yn y blaen, ym mhob achos gyda chydysniad Gweinidogion Cymru.

Mae rheoliad 7 yn caniatáu i Weinidogion Cymru benderfynu ar uchafsymiau grantiau, neu i'r asiantaeth ardal wneud hynny gyda chydysniad Gweinidogion Cymru.

Mae rheoliad 8 yn nodi'r gweithdrefnau a'r gofynion ar gyfer gwneud cais.

Mae rheoliad 9 yn ei gwneud yn ofynnol i'r asiantaeth ardal osod yr amodau ar roi unrhyw grant ag sy'n berthnasol, gan gynnwys o dan ba amgylchiadau y gallai grant ddod yn ad-daladwy, y dull o sicrhau unrhyw ad-daliad o'r fath (er enghraifft, drwy osod arwystl ar yr eiddo), ac o sicrhau cydsyniad y landlord (pan nad y ceisydd yw perchennog y rhydd-ddaliad) i beidio â chodi'r rhent o ganlyniad i'r gwelliannau a wnaed. Caiff yr asiantaeth ardal osod amodau ychwanegol gyda chydysniad Gweinidogion Cymru.

Regulation 6 sets out the purposes for which a grant may be approved for giving advice, carrying out works, or both. The area agency may add to or change these purposes, set conditions, and minimum standards of workmanship and so on, in each case with the consent of the Welsh Ministers.

Regulation 7 allows the Welsh Ministers to determine maximum amounts of grant, or for the area agency to do so with the Welsh Ministers' consent.

Regulation 8 sets out the procedures and requirements for making an application.

Regulation 9 requires the area agency to impose such conditions on the giving of any grant as are relevant, including the circumstances in which a grant might become repayable, the means of securing any such repayment (for example by a charge on the property), and the securing of landlord's consent (where the applicant is not the freehold owner) not to increase the rent as a result of the improvements carried out. Further conditions may be imposed by the area agency with the consent of the Welsh Ministers.

2011Rhif 656 (Cy.94)

ARBED YNNI, CYMRU

**Rheoliadau Cynlluniau
Effeithlonrwydd Ynni Cartref
(Cymru) 2011**

Gwnaed 6 Mawrth 2011
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 8 Mawrth 2011
Yn dod i rym 1 Ebrill 2011

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pŵer a roddwyd i'r Ysgrifennydd Gwladol gan adran 15 o Ddeddf Nawdd Cymdeithasol 1990(1) sydd bellach yn arferadwy gan Weinidogion Cymru o ran Cymru(2).

Enwi, cychwyn a chymhwyso

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynlluniau Effeithlonrwydd Ynni Cartref (Cymru) 2011 a deuant i rym ar 1 Ebrill 2011.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Dehongli

2. Yn y Rheoliadau hyn–

mae "annedd" ("*dwelling*") yn cynnwys unrhyw adeilad mewn amlfeddiannaeth; ac at y diben hwn ystyr "adeilad mewn amlfeddiannaeth" yw adeilad a feddiennir gan bersonau nad ydynt yn ffurfio un aelwyd, gan eithrio unrhyw ran o'r adeilad a feddiennir, fel annedd ar wahân gan bersonau sy'n ffurfio un aelwyd;

(1) 1990 p.27; diwygiwyd adran 15 gan adran 142 o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996 (p.53).

(2) Cyfarwyddodd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), fod y swyddogaethau o dan adran 15 i fod yn arferadwy o ran Cymru gan Gynulliad Cenedlaethol Cymru yn gyfamserol â'r Ysgrifennydd Gwladol. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32), a pharagraff 30 o Atodlen 11 iddi, mae'r swyddogaethau hynny bellach yn arferadwy gan Weinidogion Cymru o ran Cymru.

2011 No. 656 (W.94)

**ENERGY CONSERVATION,
WALES**

**The Home Energy Efficiency
Schemes (Wales) Regulations 2011**

Made 6 March 2011
*Laid before the National
Assembly for Wales* 8 March 2011
Coming into force 1 April 2011

The Welsh Ministers make the following Regulations in exercise of the power conferred on the Secretary of State by section 15 of the Social Security Act 1990(1) which is now exercisable by the Welsh Ministers in relation to Wales(2).

Title, commencement and application

1.–(1) The title of these Regulations is the Home Energy Efficiency Schemes (Wales) Regulations 2011 and they come into force on 1 April 2011.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations–

"the 2007 Regulations" ("*Rheoliadau 2007*") means the Home Energy Efficiency Schemes (Wales) Regulations 2007(3);

"the 2010 Amendment Regulations" ("*Rheoliadau Diwygio 2010*") means the Home Energy Efficiency Schemes (Wales) (Amendment) Regulations 2010(4);

(1) 1990 c.27; section 15 was amended by section 142 of the Housing Grants, Construction and Regeneration Act 1996 (c.53).

(2) The National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672) directed that the functions under section 15 were to be exercisable in relation to Wales by the National Assembly for Wales concurrently with the Secretary of State. By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (2006 c.32), those functions are now exercisable by the Welsh Ministers in relation to Wales.

(3) S.I. 2007/375 (W.35).

(4) S.I. 2010/453 (W.49).

ystyr "asiantaeth ardal" ("*area agency*"), ac eithrio ym mharagraff (1) o reoliad 4, yw'r person neu'r corff o bersonau a benodwyd am y tro ac sy'n gyfrifol am yr ardal dan sylw o dan y Rheoliad hwnnw;

ystyr "budd-daliad sy'n dibynnu ar prawf modd" ("*means-tested benefit*") yw—

- (a) cymhorthdal incwm, budd-dal tai, a budd-dal treth gyngor (pob un fel y diffinnir yn ôl eu trefn "*income support*", "*housing benefit*" a "*council tax benefit*" yn Rhan VII o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(1));
- (b) lwfans ceisio gwaith yn seiliedig ar incwm (fel y diffinnir yr ymadrodd cyfatebol "*income-based jobseeker's allowance*" yn Neddf Ceiswyr Gwaith 1995(2));
- (c) credyd pensiwn gwladol (fel y diffinnir yr ymadrodd cyfatebol "*state pension credit*" yn Neddf Credyd Pensiwn y Wladwriaeth 2002(3));
- (ch) credyd treth gwaith a chredyd treth plant (y ddau fel y diffinnir yr ymadroddion cyfatebol "*working tax credit*" a "*child tax credit*" yn Neddf Credydau Treth 2002(4)) cyn belled ag nad yw incwm y ceisydd yn y naill achos na'r llall yn uwch na'r trothwy incwm perthnasol; a
- (d) lwfans cyflogaeth a chymorth yn seiliedig ar incwm (fel y diffinnir yr ymadrodd cyfatebol "*income-related employment and support allowance*" yn Neddf Diwygio Lles 2007(5));

ystyr "cais am grant rhannol" ("*partial grant application*") yw cais am weithfeydd sy'n gyfyngedig i'r dibenion a nodir yn Rheoliad 6(1)(a) a (b);

ystyr "cais am gyngor" ("*advice application*") yw cais am grant mewn perthynas â chyngor a hwnnw'n gais y mae'r ceisydd yn cynnig ynddo y bydd asiantaeth ardal yn trefnu i roi cyngor;

ystyr "cais gweithfeydd" ("*works application*") yw cais lle y mae'r ceisydd yn cynnig y bydd asiantaeth ardal yn trefnu i gyflawni'r gweithfeydd y ceisir grant amdanynt;

"advice" ("*cyngor*") means advice on reducing or preventing the wastage of energy in dwellings in respect of which any works are carried out or contemplated;

"advice application" ("*cais am gyngor*") means an application which is for a grant in relation to advice and in which the applicant proposes that an area agency will arrange for the giving of advice;

"area agency" ("*asiantaeth ardal*") means, except in paragraph (1) of regulation 4, the person or body of persons for the time being appointed and responsible for the area in question under that Regulation;

"asset rating" ("*dosbarthiad ased*") has the meaning given in regulation 2(1) of the Energy Performance of Buildings (Certificates and Inspections)(England and Wales) Regulations 2007(1);

"dwelling" ("*annedd*") includes any building in multiple occupation; and for this purpose "building in multiple occupation" means a building which is occupied by persons who do not form a single household, exclusive of any part of the building which is occupied as a separate dwelling by persons who form a single household;

"eligibility criteria" ("*meini prawf cymhwysra*") means the criteria determined for the time being by or (as the case may be) in accordance with Regulation 5;

"income threshold" ("*trothwy incwm*") means the income threshold as determined from time to time pursuant to Section 7(1)(a) of the Tax Credits Act 2002(2);

"means-tested benefit" ("*budd-daliad sy'n dibynnu ar prawf modd*") means—

- (a) income support, housing benefit and council tax benefit (each as defined in Part VII of the Social Security Contributions and Benefits Act 1992(3));
- (b) income-based jobseeker's allowance (as defined in the Jobseekers Act 1995(4));
- (c) state pension credit (as defined in the State Pension Credit Act 2002(5));

(1) 1992 p.4.

(2) 1995 p.18.

(3) 2002 p.16.

(4) 2002 p.21.

(5) 2007 p.5.

(1) S.I. 2007/991.

(2) 2002 c.21. The levels of income threshold for Child Tax Credit and Working Tax Credit are currently provided for in the Tax Credits (Income Thresholds and Determination of Rates) Regulations 2002 (S.I.2002/2008) as amended, the latest relevant amending instrument being S.I.2009/2008.

(3) 1992 c.4.

(4) 1995 c.18.

(5) 2002 c.16.

mae i "dosbarthiad ased" ("*asset rating*") yr ystyr a roddir i "*asset rating*" yn rheoliad 2(1) o Reoliadau Perfformiad Ynni Adeiladau (Tystysgrifau ac Arolygiadau) (Cymru a Lloegr) 2007(1);

ystyr "cyngor" ("*advice*") yw cyngor ar leihau neu atal gwastraff ynni mewn anheddau y mae unrhyw weithfeydd yn cael eu gwneud neu eu hystyried mewn cysylltiad â hwy;

ystyr "gweithfeydd" ("*works*") yw gwaith sy'n cwmpo o fewn y mathau o waith a bennir gan neu (yn ôl y digwydd) yn unol â Rheoliad 6;

ystyr "meddiannaeth breifat" ("*private occupancy*") yw meddiannaeth ar annedd sy'n golygu nad oes yr un o'r meddianwyr yn meddiannu'r annedd honno fel tenant neu drwyddedai cyngor sir, cyngor bwrdeistref sirol na landlord cymdeithasol cofrestredig (gan gynnwys o dan drefniadau ecwiti a rennir);

ystyr "meddiannydd" ("*occupant*") yw person sy'n meddiannu annedd yn gyfreithlon fel ei unig neu brif breswylfa ac sy'n bwriadu parhau i feddiannu'r annedd dros y tymor hir;

ystyr "meini prawf cymhwysra" ("*eligibility criteria*") yw'r meini prawf y penderfynir arnynt am y tro gan neu (yn ôl y digwydd) yn unol â Rheoliad 5;

ystyr "Rheoliadau 2007" ("*the 2007 Regulations*") yw Rheoliadau Cynlluniau Effeithlonrwydd Ynni Cartref (Cymru) 2007(2);

ystyr "Rheoliadau Diwygio 2010" ("*the 2010 Amendment Regulations*") yw Rheoliadau Cynlluniau Effeithlonrwydd Ynni Cartref (Cymru) (Diwygio) 2010(3);

ystyr "trothwy incwm" ("*income threshold*") yw'r trothwy incwm y penderfynir arno o bryd i'w gilydd yn unol ag Adran 7(1)(a) o Ddeddf Credydau Treth 2002(4).

Dirymu a darpariaethau trosiannol

3.–(1) Yn ddarostyngedig i baragraff (2) mae—

- (a) Rheoliadau 2007; a
- (b) Rheoliadau Diwygio 2010

wedi eu dirymu.

(1) O.S. 2007/991.

(2) O.S. 2007/375 (Cy.35).

(3) O.S. 2010/453 (Cy.49).

(4) 2002 p.21. Ar hyn o bryd darperir ar gyfer lefelau'r trothwy incwm ar gyfer Credyd Treth Plant a Chredyd Treth Gwaith yn Rheoliadau Credydau Treth (Trothwyon Incwm a Dyfarnu ar Gyfraddau) 2002 (O.S. 2002/2008) fel y'u diwygiwyd, a'r offeryn diwygio diweddaraf yw O.S. 2009/2008.

(d) working tax credit and child tax credit (each as defined in the Tax Credits Act 2002)(1) provided that in each case the income of the applicant does not exceed the relevant income threshold; and

(e) income-related employment and support allowance (as defined in the Welfare Reform Act 2007(2));

"occupant" ("*meddiannydd*") means a person who lawfully occupies a dwelling as his or her only or main residence and who intends to continue in occupation of the dwelling in the long term;

"partial grant application" ("*cais am grant rhannol*") means a works application limited to the purposes set out in Regulation 6(1)(a) and (b);

"private occupancy" ("*meddiannaeth breifat*") means occupancy of a dwelling such that none of the occupants occupies that dwelling as a tenant or licensee of a county council, county borough council or registered social landlord (including under shared equity arrangements);

"works" ("*gweithfeydd*") means works falling within the types of work specified by or (as the case may be) pursuant to Regulation 6;

"works application" ("*cais gweithfeydd*") means an application in which the applicant proposes that an area agency will arrange for the carrying out of the works in respect of which a grant is sought.

Revocation and Transitional Provisions

3.–(1) Subject to paragraph (2)—

- (a) the 2007 Regulations; and
- (b) the 2010 Amendment Regulations

are revoked.

(1) 2002 c.21.

(2) 2007 c.5.

(2) Os yw person wedi gwneud cais am grant o dan Rheoliadau 2007 (fel y'u diwygiwyd) ond nad yw'r cais wedi ei gymeradwyo na'i wrthod cyn i'r Rheoliadau hyn ddod i rym, neu os yw'r cais wedi ei gymeradwyo ond nad oes dim o'r gweithfeydd wedi dechrau, bydd y cais yn cael ei drin megis petai wedi ei wneud o dan y Rheoliadau hyn.

Pwerau Gweinidogion Cymru

4.–(1) Caiff Gweinidogion Cymru benodi person, neu fwy nag un person, ac mae pob person o'r fath i'w adwaen wrth yr enw asiantaeth ardal, i gyflawni unrhyw swyddogaethau mewn perthynas â Chymru neu unrhyw ardal yng Nghymru y bydd Gweinidogion Cymru yn eu rhoi drwy gyfrwng contract i'r person hwnnw neu'r personau hynny er mwyn, neu mewn modd arall yn gysylltiedig â, rhoi cyngor, gwneud neu weinyddu grantiau o dan y Rheoliadau hyn a threfnu i gyflawni'r gweithfeydd.

(2) Caiff Gweinidogion Cymru derfynu penodiad o dan baragraff (1).

(3) Caiff Gweinidogion Cymru ddyrannu symiau i'r asiantaeth ardal sydd i fod ar gael i'r asiantaeth honno mewn unrhyw gyfnod at y diben o wneud grantiau o dan y Rheoliadau hyn yn y cyfnod hwnnw, ac ar gyfer ailddyrannu'r symiau a ddyranwyd yn y modd hwnnw.

(4) Os yw Gweinidogion Cymru wedi gwneud cytundeb gyda pherson ac eithrio'r ceisydd, i gyllido gweithfeydd y mae grant yn daladwy amdanynt, caniateir iddynt dalu'r cyfan neu ran o unrhyw grant i'r person arall hwnnw.

Meini prawf cymhwystra

5.–(1) Ceir rhoi sylw i gais am gyngor oddi wrth berson sy'n feddiannydd ar yr annedd y gwneir y cais ar ei gyfer.

(2) Ceir rhoi sylw i gais gweithfeydd mewn perthynas ag annedd–

- (a) os yw'r annedd mewn meddiannaeth breifat;
- (b) os yw'r ceisydd yn feddiannydd ar yr annedd ac os yw'n derbyn budd-daliad sy'n dibynnu ar prawf modd; ac
- (c) os yw'r asiantaeth ardal wedi ei bodloni bod dosbarthiad ased yr annedd yn 38 neu lai.

(3) Ceir rhoi sylw i gais am grant rhannol mewn perthynas ag annedd sydd mewn meddiannaeth breifat oddi wrth feddiannydd ar yr annedd–

- (a) sydd yn 60 oed neu drosodd;
- (b) sydd yn anabl neu â gwaeledd cronig;
- (c) sydd yn feichiog; neu
- (ch) sydd yn meddiannu'r annedd gyda phlentyn neu berson ifanc o dan 25 oed.

(4) Caiff yr asiantaeth ardal addasu'r meini prawf

(2) Where a person has applied for a grant under the 2007 Regulations (as amended) but the application has not been approved or refused before these Regulations come into force, or if the application has been approved but none of the works have been commenced, the application will be treated as having been made under these Regulations.

Powers of the Welsh Ministers

4.–(1) The Welsh Ministers may appoint one or more person or persons, each such person to be known as an area agency, to perform in relation to Wales or any area of Wales such functions as the Welsh Ministers may confer by means of a contract upon that person or persons for the purpose of, or otherwise in connection with, providing advice, the making or administering of grants under these Regulations and arranging for the carrying out of works.

(2) An appointment under paragraph (1) may be terminated by the Welsh Ministers.

(3) The Welsh Ministers may allocate to the area agency sums which are to be available to that agency in any period for the purpose of making grants under these Regulations in that period, and for the re-allocation of sums so allocated.

(4) Where the Welsh Ministers have made an arrangement with a person other than the applicant, for financing works in respect of which a grant is payable, they may pay all or part of any grant to that other person.

Eligibility criteria

5.–(1) An advice application may be entertained from a person who is an occupant of the dwelling in respect of which the application is made.

(2) A works application may be entertained in respect of a dwelling if–

- (a) the dwelling is in private occupancy;
- (b) the applicant is an occupant of the dwelling and is in receipt of a means-tested benefit; and
- (c) the area agency is satisfied that the asset rating of the dwelling is 38 or less.

(3) A partial grant application may be entertained in respect of a dwelling which is in private occupancy from an occupant of the dwelling who–

- (a) is aged 60 or over;
- (b) is disabled or chronically ill;
- (c) is pregnant; or
- (d) occupies the dwelling with a child or young person under the age of 25.

(4) The eligibility criteria may be modified, replaced

cymhwystra, gosod meini prawf newydd yn lle'r hen rai gwreiddiol neu ychwanegu atynt gyda chydysyniad Gweinidogion Cymru.

Y dibenion y caniateir cymeradwyo grant ar eu cyfer

6.–(1) Caniateir cymeradwyo cais am grant os yw'n ymwneud ag un neu fwy o'r dibenion a ganlyn–

- (a) darparu inswleiddiad mewn unrhyw wagle to hygyrch yn yr annedd, gan gynnwys inswleiddio unrhyw danc dŵr oer ac unrhyw bibell ddŵr mewn gwagle o'r fath;
- (b) darparu inswleiddiad rhwng dalennau mewnol ac allanol waliau dwbl yr annedd, ac i unrhyw wal solet;
- (c) darparu defnydd gwrth-ddrafft i'r annedd neu ynddi ynghyd ag unrhyw gyfrwng awyru ychwanegol ar gyfer unrhyw ystafelloedd na fyddent fel arall yn cael eu hawyru'n ddigonol ar ôl darpariaeth o'r fath;
- (ch) darparu inswleiddiad i unrhyw system gwresogi dŵr neu i unrhyw bibellau dŵr poeth hygyrch sy'n gysylltiedig â'r system wresogi;
- (d) darparu gwresogyddion ystafell sy'n wresogyddion darfudol nwy â rheolaeth thermostat;
- (dd) darparu stôr-wresogyddion trydan;
- (e) darparu naill ai dwymwr tanddwr ac iddo ddwy elfen ynghyd â thanc wedi ei inswleiddio yn y ffatri neu dwymwr tanddwr trydan o fewn silindr dŵr poeth presennol;
- (f) darparu rheolyddion amser ar gyfer gwresogyddion aer a thwymwyr dŵr sy'n rhai trydan;
- (ff) gwella effeithlonrwydd ynni unrhyw system gwresogi aer neu dwymo dŵr sydd wedi ei gosod yn yr annedd neu roi rhan newydd yn lle hen ran o'r system neu ei thrwsio (gan gynnwys gosod boeler newydd a gwneud unrhyw welliannau i'r system bresennol o wresogi aer neu dwymo dŵr sy'n hwyluso ei osod);
- (g) darparu system gwres canolog â thanwydd o unrhyw fath (gan gynnwys systemau sy'n cynhyrchu trydan);
- (ng) troi tanau ystafelloedd sy'n danau tanwydd solet agored yn danau ystafelloedd sy'n rhai tanwydd solet caeedig;
- (h) darparu system gwres canolog â thanwydd o unrhyw fath sydd wedi ei chysylltu â grid gwresogi y gymuned leol;
- (i) darparu systemau gwresogi aer neu dwymo dŵr (gan gynnwys pypiau gwres) sy'n defnyddio ynni o ffynonellau adnewyddadwy; ac at y dibenion hyn–

or supplemented by the area agency with the consent of the Welsh Ministers.

Purposes for which a grant may be approved

6.–(1) An application for a grant may be approved if it relates to one or more of the following purposes–

- (a) the provision of insulation in any accessible roof space in the dwelling, including the insulation of any cold water tank and any water pipe in such a space;
- (b) the provision of insulation between the internal and external leaves of external cavity walls of the dwelling, and to any solid wall;
- (c) the provision of draught proofing to or in the dwelling together with additional means of ventilation for any rooms which would otherwise be inadequately ventilated after such provision;
- (d) the provision of insulation to any water heating system or accessible hot water pipes associated with the heating system;
- (e) the provision of gas room convector heaters with thermostat control;
- (f) the provision of electric storage heaters;
- (g) the provision of either an electric dual-element immersion heater and a factory-insulated tank or an electric or gas immersion heater within an existing hot water cylinder;
- (h) the provision of timer controls for electric space and water heaters;
- (i) the provision of improvements to the energy efficiency of, or the replacement of any part of, or repair of any space or water heating system installed in the dwelling (including installation of a new boiler and any improvements to the existing space or water heating system to facilitate such installation);
- (j) the provision of a central heating system of any fuel type (including systems which generate electricity);
- (k) the conversion of open solid fuel room fires to closed solid fuel room fires;
- (l) the provision of a central heating system of any fuel type connected to the local community heating grid;
- (m) the provision of space or water heating systems (including heat pumps) which use energy from renewable sources; and for these purposes–

"ystyr "ffynonellau adnewyddadwy" ("*renewable sources*") yw ffynonellau ynni ac eithrio mawn, tanwydd ffosil neu danwydd niwclear; ac

ystyr "tanwydd ffosil" ("*fossil fuel*") yw glo, sylweddau a gynhyrchir yn uniongyrchol neu'n anuniongyrchol o lo, coedlo, nwy naturiol, hylif petroliwm crai, neu gynhyrchion petroliwm (ac mae i "nwy naturiol" a "cynhyrchion petroliwm" yr un ystyr ag a roddir i "*natural gas*" a "*petroleum products*" yn Neddf Ynni 1976(1);"

- (j) darparu mesurau i arbed dŵr;
- (l) darparu unrhyw weithfeydd cyffelyb i'r rheini a restrir yn Rheoliad 6(1), neu weithfeydd sy'n angenrheidiol ar eu cyfer neu sy'n ategol iddynt neu'n gysylltiedig â gwneud gweithfeydd o'r fath; ac
- (ll) darparu unrhyw weithfeydd ychwanegol a bennir gan yr asiantaeth ardal gyda chydysniad Gweinidogion Cymru.

(2) Nid oes unrhyw gais i gael ei gymeradwyo onid yw'r annedd a thestun pob categori o weithfeydd a grybwyllir yn y cais yn bodloni unrhyw amodau a bennir o bryd i'w gilydd gan yr asiantaeth ardal gyda chydysniad Gweinidogion Cymru.

(3) Mae'n rhaid i'r holl weithfeydd gydymffurfio ag unrhyw safonau a bennir gan yr asiantaeth ardal o bryd i'w gilydd gyda chydysniad Gweinidogion Cymru parthed deunyddiau, crefftwiath a pherfformiad testun y gwaith o ran effeithlonrwydd ynni.

(4) At ddibenion y Rheoliad hwn, ystyr "gwagle to" ("*roof space*") yw'r gwagle rhwng to annedd a nenfwd unrhyw ystafell a ddefnyddir at ddibenion lle i fyw, neu sydd ar gael i'w ddefnyddio at y diben hwnnw, pan nad yw'r gwagle hwnnw wedi ei wahanu'n gyfan gwbl o'r to gan unrhyw ystafell arall.

Uchafswm y grant

7.–(1) Ni chaiff asiantaeth ardal dalu cyfanswm grant mewn cysylltiad â chais gweithfeydd o dan y Rheoliadau hyn sy'n fwy na'r isaf o'r canlynol–

- (a) y swm a godir yn briodol am y gweithfeydd a wneir; neu
- (b) uchafswm y grant fel y penderfynir arno o bryd i'w gilydd gan Weiniogion Cymru yn unol â'r canlynol–
 - (i) cost gwaith a/neu argaeledd gweithfeydd a deunyddiau o'r mathau sy'n ofynnol gan y dibenion a bennir yn rheoliad 6 neu mewn cysylltiad â hwy; a
 - (ii) polisi a blaenoriaethau cyfredol Gweinidogion Cymru mewn perthynas ag arbed ynni.

(2) Caiff Gweinidogion Cymru benderfynu ar uchafsymiau gwahanol o dan baragraff (1)–

"renewable sources" ("*ffynonellau adnewyddadwy*") means sources of energy other than peat, fossil fuel or nuclear fuel; and

"fossil fuel" ("*tanwydd ffosil*") means coal, substances produced directly or indirectly from coal, lignite, natural gas, crude liquid petroleum, or petroleum products (and "natural gas" and "petroleum products" have the same meanings as in the Energy Act 1976(1);"

- (n) the provision of water-saving measures;
- (o) the provision of any works similar to those listed in this Regulation 6(1), or which are necessary or ancillary to or associated with the carrying out of such works; and
- (p) the provision of such additional works as may be specified by the area agency with the consent of the Welsh Ministers.

(2) No application is to be approved unless the dwelling and the subject matter of each category of works mentioned in the application meet such conditions as may be specified from time to time by the area agency with the consent of the Welsh Ministers.

(3) All works must comply with such standards as to materials, workmanship and energy efficiency performance of the subject matter of the works as may be laid down from time to time by the area agency with the consent of the Welsh Ministers.

(4) For the purposes of this Regulation, "roof space" ("*gwagle to*") means space between the roof of a dwelling and the ceiling of any room used or available for use for the purpose of living accommodation, that space not being wholly separated from the roof by any other room.

Maximum amount of grant

7.–(1) An area agency may not pay a total amount of grant in respect of a works application under these Regulations which exceeds the lower of–

- (a) the amount properly charged for the works carried out; or
- (b) the maximum amount of grant as determined from time to time by the Welsh Ministers in accordance with–
 - (i) the cost and/or availability of works and materials of the types required by or in connection with the purposes determined in accordance with Regulation 6; and
 - (ii) the current policy and priorities of the Welsh Ministers in relation to energy conservation.

(2) The Welsh Ministers may determine different maximum amounts under paragraph (1)–

(1) 1976 p.76.

(1) 1976 c.76.

- (a) ar gyfer grantiau mewn cysylltiad ag anheddau amlfeddiannaeth;
- (b) gan gyfeirio at unrhyw gategori neu gyfuniad o gategorïau o weithfeydd a bennir gan neu (yn ôl y digwydd) yn unol â Rheoliad 6; ac
- (c) gan gyfeirio at a yw'r cais gweithfeydd yn gais am grant rhannol.

(3) Yn ddarostyngedig i baragraffau (1) a (2) o'r Rheoliad hwn, caiff asiantaeth ardal, gyda chydysyniad Gweinidogion Cymru, bennu—

- (a) uchafswm y grant y caniateir ei dalu; a
- (b) sail cyfrifo grant, wedi ei mynegi yn nhermau symiau fesul uned fesur,

ar gyfer unrhyw gategori neu gyfuniad o gategorïau o weithfeydd a bennir gan neu (yn ôl y digwydd) yn unol â Rheoliad 6.

Ceisiadau am grant

8.—(1) Mae cais am grant i'w wneud i'r asiantaeth ardal dros yr ardal y mae'r annedd wedi ei lleoli ynddi.

(2) Mae'n rhaid i gais fod yn ysgrifenedig, wedi ei lofnodi naill ai gan y ceisydd neu gan berson a bennir gan yr asiantaeth ardal neu berson o ddisgrifiad a bennir ganddi a rhaid iddo fod ar unrhyw ffurf, yn ddarostyngedig i baragraff (3) o'r Rheoliad hwn, a osodir gan yr asiantaeth ardal.

(3) Mae'n rhaid i'r cais gynnwys—

- (a) manylion am yr annedd y ceisir grant mewn cysylltiad â hi ac os nad y ceisydd yw perchennog y rhydd-ddaliad, enw a chyfeiriad perchennog y rhydd-ddaliad neu'r landlord;
- (b) gwybodaeth am y ceisydd sy'n ddigonol i'r asiantaeth ardal benderfynu a yw'r ceisydd yn bodloni'r meini prawf cymhwysra;
- (c) datganiad yn dweud y rhoddir mynediad rhesymol i'r annedd y gwneir y cais mewn cysylltiad â hi i gynrychiolydd o'r asiantaeth ardal i arolygu'r annedd ac i wneud y gwaith;
- (ch) datganiad yn dweud a yw'r ceisydd, neu unrhyw berson arall, hyd y gŵyr y ceisydd, wedi gwneud cais am grant neu gymorth o dan y Rheoliadau hyn neu o dan unrhyw ddeddfwriaeth neu gynllun arall mewn cysylltiad â'r annedd sy'n destun y cais; a
- (d) unrhyw wybodaeth bellach a bennir gan yr asiantaeth ardal o bryd i'w gilydd gyda chydysyniad Gweinidogion Cymru.

- (a) for grants in respect of dwellings in multiple occupation;
- (b) by reference to any category or combination of categories of works specified by or (as the case may be) pursuant to Regulation 6; and
- (c) by reference to whether the works application is a partial grant application.

(3) Subject to paragraphs (1) and (2) of this Regulation, an area agency may, with the consent of the Welsh Ministers, specify—

- (a) a maximum amount of grant which may be paid; and
- (b) a grant-calculation basis, expressed in terms of amounts per unit of measurement,

for any category or combination of categories of works specified by or (as the case may be) pursuant to Regulation 6.

Applications for grant

8.—(1) An application for a grant is to be made to the area agency for the area in which the dwelling is situated.

(2) An application must be in writing, signed either by the applicant or by a person specified or of a description specified by the area agency and must be in such form, subject to paragraph (3) of this Regulation, as is laid down by the area agency.

(3) The application must contain—

- (a) particulars of the dwelling in respect of which the grant is sought and if the applicant is not the freehold owner, the name and address of the freehold owner or landlord;
- (b) information about the applicant sufficient for the area agency to determine whether the applicant meets the eligibility criteria;
- (c) a statement that reasonable access to the dwelling in respect of which an application is made will be given to a representative of the area agency to inspect the dwelling and carry out the works;
- (d) a statement as to whether the applicant or, to the applicant's knowledge, any other person has received or applied for a grant or assistance under these Regulations or any other legislation or scheme in respect of the dwelling which is the subject of the application; and
- (e) such further particulars as may be specified from time to time by the area agency with the consent of the Welsh Ministers.

Amodau grant

9.–(1) Wrth wneud unrhyw grant–

- (a) rhaid i'r asiantaeth ardal osod amodau sy'n ymwneud ag unrhyw un neu rai o'r materion a ganlyn (yn ddarostyngedig i unrhyw addasiad a wneir yn unol â pharagraff (b) o'r Rheoliad hwn) y bydd yr asiantaeth ardal yn eu hystyried yn berthnasol i amgylchiadau'r grant–
 - (i) o dan ba amgylchiadau y caniateir i unrhyw grant neu ran o grant a wneir o dan y Rheoliadau hyn ddod yn ad-daladwy gan y person y gwnaed y grant mewn cysylltiad â'i gais;
 - (ii) y moddion ar gyfer sicrhau bod unrhyw symiau sy'n dod yn ad-daladwy o dan baragraff (2)(a) o'r Rheoliad hwn yn cael eu had-dalu, gan gynnwys (ond heb fod yn gyfyngedig i hynny) ei gwneud yn ofynnol i geisydd neu berchennog annedd roi arwystl neu sicrydyn arall dros yr annedd;
 - (iii) (pan fo'r ceisydd yn denant) cael cytundeb y landlord i beidio â chodi'r rhent am gyfnod penodedig (ac eithrio i gyd-fynd â chwyddiant), neu i beidio ag ystyried y gwaith a wnaed yn unol â grant a roddwyd o dan y Rheoliadau hyn wrth gynnal unrhyw adolygiad rhent; a
- (b) caiff yr asiantaeth ardal osod unrhyw amodau mewn perthynas ag unrhyw faterion pellach, ychwanegol neu rai a addaswyd y bydd yr asiantaeth ardal yn eu pennu gyda chydysyniad Gweinidogion Cymru.

(2) Os caiff penodiad asiantaeth ardal ei derfynu, rhaid i'r amodau a osodir ar roi unrhyw grant gan Weinidogion Cymru fod yn unol â pharagraff (1) o'r rheoliad hwn fel yr oedd yn gymwys i'r asiantaeth ardal yn union cyn terfynu ei phenodiad.

Conditions of grant

9.–(1) On making any grant, the area agency–

- (a) must impose conditions relating to such of the following matters (subject to any modification made pursuant to paragraph (b) of this Regulation) as the area agency considers relevant to the circumstances of the grant–
 - (i) the circumstances in which any grant or part of a grant made under these Regulations may become repayable by the person in respect of whose application it was made;
 - (ii) the means for securing repayment of such sums as become repayable under paragraph (2)(a) of this Regulation, including (but not limited to) requiring an applicant or owner of a dwelling to enter into a charge or other security over the dwelling;
 - (iii) (where the applicant is a tenant) obtaining agreement of a landlord not to increase rent for a specified period (save in line with inflation), or not to take into account the work carried out pursuant to a grant made under these Regulations when conducting any rent review; and
- (b) may impose such conditions relating to such further, additional or modified matters as may be specified by the area agency with the consent of the Welsh Ministers.

(2) In the event of termination of the appointment of an area agency, the conditions imposed on the making of any grant by the Welsh Ministers must be in accordance with paragraph (1) of this regulation as it applied to the area agency immediately prior to the termination of its appointment.

Jane Davidson

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai, un o Weinidogion Cymru

Minister for Environment, Sustainability and Housing, one of the Welsh Ministers

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6 March 2011

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ARBED YNNI, CYMRU

Rheoliadau Cynlluniau
Effeithlonrwydd Ynni Cartref
(Cymru) 2011

WELSH STATUTORY
INSTRUMENTS

2011 No. 656 (W.94)

**ENERGY CONSERVATION,
WALES**

The Home Energy Efficiency
Schemes (Wales) Regulations 2011