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INSTRUMENTS

2018 Rhif 319 (Cy. 60)

2018 No. 319 (W. 60)

ARBED YNNI, CYMRU

**ENERGY CONSERVATION,
WALES**

**Rheoliadau Cynlluniau
Effeithlonrwydd Ynni Cartref
(Cymru) (Diwygio) 2018**

**The Home Energy Efficiency
Schemes (Wales) (Amendment)
Regulations 2018**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cynlluniau Effeithlonrwydd Ynni Cartref (Cymru) 2011 (O.S. 2011/656 (Cy. 94)) ("y prif Reoliadau").

These Regulations amend the Home Energy Efficiency Schemes (Wales) Regulations 2011 (S.I. 2011/656 (W. 94)) ("the principal Regulations").

Mae rheoliad 3 yn diweddarau'r rhestr o ddiffiniadau yn y prif Reoliadau. Mae'n diweddarau ystyr "dosbarthiad ased" ac yn dileu'r diffiniad o "cais am grant rhannol".

Regulation 3 updates the list of definitions in the principal Regulations. It updates the meaning of "asset rating" and removes the definition of "partial grant application".

Mae rheoliad 4 yn diweddarau'r meini prawf cymhwystra o dan y prif Reoliadau. Mae'n dileu'r ddarpariaeth ar gyfer ceisiadau am grant rhannol, yn diweddarau'r dosbarthiad ased gofynnol y mae'n rhaid i annedd ei gael i fod yn gymwys am gais gweithfeydd ac yn darparu na fydd annedd lle y cyflawnwyd gwaith yn flaenorol mewn perthynas â chais gweithfeydd yn gymwys i wneud ceisiadau pellach.

Regulation 4 updates the eligibility criteria under the principal Regulations. It removes provision for partial grant applications, updates the minimum asset rating a dwelling must have to be eligible for a works application and provides that a dwelling which has previously had works carried out in relation to a works application will not be eligible to make further applications.

Mae rheoliad 5 yn darparu ar gyfer darparu bylbiau golau rhad-ar-ynni o dan y prif Reoliadau.

Regulation 5 provides for the provision of low energy light bulbs under the principal Regulations.

Mae rheoliad 6 yn diweddarau'r fethodoleg a ddefnyddir gan Weinidogion Cymru i bennu uchafsymiau grantiau o dan y prif Reoliadau.

Regulation 6 updates the methodology by which the Welsh Ministers may determine maximum levels of grants under the principal Regulations.

Mae rheoliad 7 yn darparu ar gyfer darpariaeth drosiannol mewn cysylltiad â cheisiadau sy'n mynd rhagddynt a gymeradwywyd cyn i'r Rheoliadau hyn ddod i rym.

Regulation 7 provides for transitional provision in respect of ongoing applications approved prior to the coming into force of these Regulations.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal asesiadau effaith rheoleiddiol mewn perthynas â'r Rheoliadau hyn. Lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar www.llyw.cymru.

The Welsh Ministers' Code of Practice on the carrying out of regulatory impact assessments was considered in relation to these Regulations. A regulatory impact assessment has been prepared on the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

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The Home Energy Efficiency
Schemes (Wales) (Amendment)
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Gwnaed 6 Mawrth 2018
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 9 Mawrth 2018
Yn dod i rym 1 Ebrill 2018

Made 6 March 2018
*Laid before the National Assembly
for Wales* 9 March 2018
Coming into force 1 April 2018

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adran 15 o Ddeddf Nawdd Cymdeithasol 1990(1) ac sy'n arferadwy bellach ganddynt hwy o ran Cymru(2).

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 them in relation to Wales(2).

Enwi, cychwyn a dehongli

Title, commencement and interpretation

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynlluniau Effeithlonrwydd Ynni Cartref (Cymru) (Diwygio) 2018.

1.—(1) The title of these Regulations is the Home Energy Efficiency Schemes (Wales) (Amendment) Regulations 2018.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2018.

(2) These Regulations come into force on 1 April 2018.

(3) Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" ("the principal Regulations") yw Rheoliadau Cynlluniau Effeithlonrwydd Ynni Cartref (Cymru) 2011(3).

(3) In these Regulations, "the principal Regulations" ("y prif Reoliadau") means the Home Energy Efficiency Schemes (Wales) Regulations 2011(3).

(1) 1990 p. 27. Diwygiwyd adran 15 gan adran 142 o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996 (p. 53).
(2) Darparodd 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 gyddredol â'r Ysgrifennydd Gwladol ac yn rhydd rhag y gofyniad am gydsyniad y Trysorlys. 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.
(3) O.S. 2011/656 (Cy. 94), fel y'i diwygiwyd gan O.S. 2013/2843 (Cy. 270).

(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 (S.I. 1999/672) provided 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 and free from the requirement for Treasury consent. By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), those functions are now exercisable by the Welsh Ministers in relation to Wales.
(3) S.I. 2011/656 (W. 94), as amended by S.I. 2013/2843 (W. 270).

Diwygio'r prif Reoliadau

2. Mae'r prif Reoliadau wedi eu diwygio yn unol â rheoliadau 3 i 6.

Diwygio rheoliad 2 (dehongli)

3. Yn rheoliad 2 (dehongli)—

- (a) yn y diffiniad o “dosbarthiad ased” (“*asset rating*”), yn lle “Reoliadau Perfformiad Ynni Adeiladau (Tystysgrifau ac Arolygiadau) (Cymru a Lloegr) 2007”, rhodder “Reoliadau Perfformiad Ynni Adeiladau (Cymru a Lloegr) 2012(1)”;
- (b) hepgorer y diffiniad o “cais am grant rhannol” (“*partial grant application*”).

Diwygio rheoliad 5 (meini prawf cymhwystra)

4. Yn rheoliad 5 (meini prawf cymhwystra)—

- (a) ym mharagraff (2)(c), yn lle “38” rhodder “54”;
- (b) ar ôl paragraff (2) mewnosoder—
“(3A) Ni chaniateir gwneud cais gweithfeydd mewn cysylltiad ag annedd pan fo—
 - (a) cais gweithfeydd wedi ei wneud yn flaenorol mewn cysylltiad â'r un annedd;
 - (b) y cais wedi ei gymeradwyo;
 - (c) gwneud y gweithfeydd mewn perthynas â'r cais hwnnw wedi ei gwblhau.”;
- (c) hepgorer paragraff (3).

Diwygio rheoliad 6 (y dibenion y caniateir cymeradwyo grant ar eu cyfer)

5. Yn rheoliad 6(1) (y dibenion y caniateir cymeradwyo grant ar eu cyfer), ar ôl is-baragraff (j), mewnosoder—

“(ja) darparu bylbiau golau rhad-ar-ynni.”.

Diwygio rheoliad 7 (uchafswm y grant)

6. Yn rheoliad 7 (uchafswm y grant)—

- (a) ar ôl paragraff (2)(b) hepgorer “ac”;
- (b) ar ôl paragraff (2)(b) mewnosoder—
“(ba) gan gyfeirio at ddosbarthiad ased annedd; a

Amendment of the principal Regulations

2. The principal Regulations are amended in accordance with regulations 3 to 6.

Amendment of regulation 2 (interpretation)

3. In regulation 2 (interpretation)—

- (a) in the definition of “asset rating” (“*dosbarthiad ased*”), for “Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007”, substitute “Energy Performance of Buildings (England and Wales) Regulations 2012(1)”;
- (b) omit the definition of “partial grant application” (“*cais am grant rhannol*”).

Amendment of regulation 5 (eligibility criteria)

4. In regulation 5 (eligibility criteria)—

- (a) in paragraph (2)(c), for “38” substitute “54”;
- (b) after paragraph (2) insert—
“(3A) A works application may not be made in respect of a dwelling where—
 - (a) a works application has previously been made in respect of the same dwelling;
 - (b) the application has been approved;
 - (c) the carrying out of works in relation to that application has been completed.”;
- (c) omit paragraph (3).

Amendment of regulation 6 (purposes for which a grant may be approved)

5. In regulation 6(1) (purposes for which a grant may be approved), after sub-paragraph (n), insert—

“(na) the provision of low energy light bulbs.”.

Amendment of regulation 7 (maximum amount of grant)

6. In regulation 7 (maximum amount of grant)—

- (a) after paragraph (2)(b) omit “and”;
- (b) after paragraph (2)(b) insert—
“(ba) by reference to the asset rating of a dwelling; and

(bb) gan gyfeirio at a yw annedd wedi ei chysylltu â'r rhwydwaith nwy ai peidio.”;

(c) hepgorer paragraff (2)(c).

Darpariaethau trosiannol

7. Mae'r prif Reoliadau, fel y maent mewn grym yn union cyn y dyddiad y daw'r Rheoliadau hyn i rym, yn parhau i fod yn gymwys ar y dyddiad hwnnw ac ar ôl y dyddiad hwnnw mewn perthynas â chais gweithfeydd neu gais am grant rhannol a wnaed ac a gymeradwywyd cyn y dyddiad hwnnw.

(bb) by reference to whether a dwelling is or is not connected to the gas network.”;

(c) omit paragraph (2)(c).

Transitional provisions

7. The principal Regulations as in force immediately before the date on which these Regulations come into force continue to apply on and after that date in relation to a works application or a partial grant application made and approved before that date.

Lesley Griffiths

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig, un o Weinidogion Cymru
6 Mawrth 2018

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Cabinet Secretary for Energy, Planning and Rural Affairs, one of the Welsh Ministers
6 March 2018

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