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OFFERYNNAU STATUDOL CYMRU

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**1999 Rhif 3468 (Cy.54)**

**TAI, CYMRU**

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

*Wedi'u gwneud* - - 15 Rhagfyr 1999  
*Yn dod i rym* - - 22 Rhagfyr 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(1), a freiniwyd ynddo bellach(2):

**Enwi, cychwyn a chymhwyso**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Grantiau Adnewyddu Tai (Diwygio) (Cymru) 1999 a deuant i rym ar 22 Rhagfyr 1999.

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

**Diwygiad**

2. Diwygir Rheoliadau Grantiau Adnewyddu Tai 1996(3) yn unol â'r rheoliadau canlynol.

**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(4) 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 5th October 1999;”;

(b) ar ôl y diffiniad o “water charges” mewnosoder —

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(1) 1996 p.53.

(2) Gweler erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) (O.S. 1999/672) ac Atodlen 1 iddo.

(3) O.S. 1996/2890, diwygiwyd gan O.S.1996/3119, 1997/977, 1998/808, 1999/1523.

(4) Deddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(p.4); gweler adran 1(1) o Ddeddf Credydau Treth 1999 (p.10) ac Atodlen 1 iddi.

““working families tax credit” means a working families' tax credit under section 128 of the 1992 Act<sup>(5)</sup> or a payment in accordance with an award of family credit under that section which was awarded with effect from a date falling before 5th October 1999;”.

## Rheoliad 19

### 4. Yn rheoliad 19 (trin taliadau gofal plant)

- (a) ym mharagraff 4<sup>(6)</sup>, yn lle'r diffiniad o “relevant child care charges”, rhodder —
- ““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 —
- “(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<sup>(7)</sup> (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

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(5) Gweler adran 1(1) o Ddeddf Credydau Treth 1999 ac Atodlen 1 iddi.

(6) Yr offerynnau diwygio perthnasol yw O.S. 1997/977 a 1998/808.

(7) 1989 c. 41.

- (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<sup>(8)</sup> (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 local authority in Scotland; 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 —

- (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(9); and
- “the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations 1991(10).”.

### Atodlen 3

7. Yn Atodlen 3 (symiau i'w hanwybyddu wrth benderfynu incwm heblaw enillion) —
- (a) ym mharagraff 54 —
- (i) ar ddechrau'r paragraff hwnnw, mewnosoder —
- “Except in a case which falls under paragraph 18 of Schedule 2 to these Regulations,”
- a

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(9) O.S. 1987/1973; mewnosodwyd rheoliad 46(1)(aa) gan O.S. 1995/1339.

(10) O.S. 1991/2887; mewnosodwyd rheoliad 51(1)(bb) gan O.S. 1995/1339 ac fe'i ddiwygiwyd gan O.S. 1999/2487.

- (ii) yn lle “amount of disability working allowance” rhodder “amount of disabled person’s tax credit”;
- (b) ym mharagraff 55 —
  - (i) ar ddechrau'r paragraff hwnnw, mewnosoder —
    - “Except in a case which falls under paragraph 18 of Schedule 2 to these Regulations,”
    - a
  - (ii) yn lle “amount of family credit”, rhodder “amount of working families' tax credit”.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(11)

15 Rhagfyr 1999

*Dafydd Elis Thomas*  
Llywydd y Cynulliad Cenedlaethol

*Statws* This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

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## EXPLANATORY NOTE

*(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 berchen-feddianwyr neu denantiaid 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.

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 5 Hydref 1999 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 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 Reoliadau.