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NAWDD CYMDEITHASOL, CYMRU

**Rheoliadau Credyd Cynhwysol (Darpariaethau Canlyniadol)
(Gofal Plant, Tai a Thrafnidiaeth) (Cymru) 2013**

Gwnaed - - - - 16 Gorffennaf 2013

Yn dod i rym - - 17 Gorffennaf 2013

Mae Gweinidogion Cymru, drwy arfer y pŵer a roddwyd iddynt gan adran 32 o Ddeddf Diwygio Lles 2012(1), yn gwneud y Rheoliadau a ganlyn.

Yn unol ag adran 43(7) o'r Ddeddf honno, gosodwyd drafft o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru, ac fe'i cymeradwywyd drwy benderfyniad ganddo.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Credyd Cynhwysol (Darpariaethau Canlyniadol) (Gofal Plant, Tai a Thrafnidiaeth) (Cymru) 2013 a deuant i rym ar 17 Gorffennaf 2013.

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

RHAN 1

DEDDFWRIAETH SYLFAENOL

Diwygio Deddf Grantiau Tai, Adeiladu ac Adfywio 1996

2.—(1) Mae adran 3 o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996(2) (ceiswyr anghymwys) wedi ei diwygio fel a ganlyn—

(2) Hepgorer is-adran (4).

(3) Yn is-adran (4A) hepgorer “made by the Secretary of State”.

Diwygio Deddf Tai 2004

3.—(1) Mae Deddf Tai 2004(3) wedi ei diwygio fel a ganlyn.

(1) 2012 p.5.
(2) 1996 p.53.
(3) 2004 p.34.

(2) Yn adran 73 (canlyniadau eraill rhedeg HMOs sydd heb eu trwyddedu: gorchmynion ad-dalu rhent)—

(a) yn is-adran (5), cyn “housing benefit” mewnosoder “relevant award or awards of universal credit or the”;

(b) yn is-adran (6), yn lle paragraff (b) rhodder—

“(b) that—

(i) one or more relevant awards of universal credit have been paid (to any person); or

(ii) housing benefit has been paid (to any person) in respect of periodical payments payable in connection with the occupation of a part or parts of the HMO,

during any period during which it appears to the tribunal that such an offence was being committed.”;

(c) ar ôl is-adran (6), mewnosoder—

“(6A) In subsection (6)(b)(i), “relevant award of universal credit” means an award of universal credit the calculation of which included an amount under section 11 of the Welfare Reform Act 2012, calculated in accordance with Schedule 4 to the Universal Credit Regulations 2013 (housing costs element for renters) (S.I. 2013/376) or any corresponding provision replacing that Schedule, in respect of periodical payments payable in connection with the occupation of a part or parts of the HMO.”;

(d) yn is-adran (8)(a), yn lle'r geiriau o “housing benefit” i'r diwedd rhodder—

“(i) one or more relevant awards of universal credit; or

(ii) housing benefit paid in connection with occupation of a part or parts of the HMO.”;

(e) yn is-adran (10)—

(i) yn y diffiniad o “the appropriate person”, cyn “housing benefit” mewnosoder “universal credit or”;

(ii) yn lle'r diffiniad o “periodical payments” rhodder—

““periodical payments” means—

(a) payments in respect of which an amount under section 11 of the Welfare Reform Act 2012 may be included in the calculation of an award of universal credit, as referred to in paragraph 3 of Schedule 4 to the Universal Credit Regulations 2013 (“relevant payments”) (S.I. 2013/376) or any corresponding provision replacing that paragraph; and

(b) periodical payments in respect of which housing benefit may be paid by virtue of regulation 12 of the Housing Benefit Regulations 2006 or any corresponding provision replacing that regulation.”; ac

(f) yn is-adran (11)(b), cyn “housing benefit” mewnosoder “universal credit or”.

(3) Yn adran 74 (darpariaethau pellach am orchmynion ad-dalu rhent)—

(a) yn is-adran (2)—

(i) yn lle paragraff (b) rhodder—

“(b) that—

(i) one or more relevant awards of universal credit (as defined in section 73(6A)) were paid (whether or not to the appropriate person), or

- (ii) housing benefit was paid (whether or not to the appropriate person) in respect of periodical payments payable in connection with occupation of a part or parts of the HMO, during any period during which it appears to the tribunal that such an offence was being committed in relation to the HMO in question,”; a
 - (ii) yn y geiriau i gloi, yn lle “an amount equal to the total amount of housing benefit paid as mentioned in paragraph (b)” rhodder “the amount mentioned in subsection (2A)”;
- (b) ar ôl is-adran (2) mewnosoder—
 - “(2A) The amount referred to in subsection (2) is—
 - (a) an amount equal to—
 - (i) where one relevant award of universal credit was paid as mentioned in subsection (2)(b)(i), the amount included in the calculation of that award under section 11 of the Welfare Reform Act 2012, calculated in accordance with Schedule 4 to the Universal Credit Regulations 2013 (housing costs element for renters) (S.I. 2013/376) or any corresponding provision replacing that Schedule, or the amount of the award if less; or
 - (ii) if more than one such award was paid as mentioned in subsection (2)(b)(i), the sum of the amounts included in the calculation of those awards as referred to in sub-paragraph (i), or the sum of the amounts of those awards if less, or
 - (b) an amount equal to the total amount of housing benefit paid as mentioned in subsection (2)(b)(ii),
(as the case may be).”
 - (c) yn is-adran (3), yn lle “total amount of housing benefit paid as mentioned in that paragraph” rhodder “amount mentioned in subsection (2A)”;
 - (d) yn is-adran (6)(b)(i), ar ôl “payments of” mewnosoder “relevant awards of universal credit or”;
 - (e) yn is-adran (7)—
 - (i) ym mharagraff (a), cyn “housing benefit” mewnosoder “relevant awards of universal credit,”; a
 - (ii) ym mharagraff (b), yn lle'r geiriau o “any amount” i'r diwedd rhodder—
 - “(i) where one or more relevant awards of universal credit were payable during the period in question, the amount mentioned in subsection (2A)(a) in respect of the award or awards that related to the occupation of the part of the HMO occupied by him during that period; or
 - (ii) any amount of housing benefit payable in respect of the occupation of the part of the HMO occupied by him during the period in question”;
 - (f) yn is-adrannau (9)(a) a (15)(a), cyn “housing benefit” mewnosoder “universal credit or”.
- (4) Yn adran 96 (canlyniadau eraill rhedeg tai sydd heb eu trwyddedu: gorchmynion ad-dalu rhent)—
 - (a) yn is-adran (5), cyn “housing benefit” mewnosoder “relevant award or awards of universal credit or the”;
 - (b) yn is-adran (6), yn lle paragraff (b) rhodder—
 - “(b) that—

- (i) one or more relevant awards of universal credit have been paid (to any person); or
 - (ii) housing benefit has been paid (to any person) in respect of periodical payments payable in connection with the occupation of the whole or any part or parts of the house,

during any period during which it appears to the tribunal that such an offence was being committed,”;
 - (c) ar ôl is-adran (6), mewnosoder—
 - “(6A) In subsection (6)(b)(i), “relevant award of universal credit” means an award of universal credit the calculation of which included an amount under section 11 of the Welfare Reform Act 2012, calculated in accordance with Schedule 4 to the Universal Credit Regulations 2013 (housing costs element for renters) (S.I. 2013/376) or any corresponding provision replacing that Schedule, in respect of periodical payments payable in connection with the occupation of the whole or any part or parts of the house.”;
 - (d) yn is-adran (8)(a), yn lle'r geiriau o “housing benefit” i'r diwedd rhodder—
 - “(i) one or more relevant awards of universal credit, or
 - (ii) housing benefit paid in connection with occupation of the whole or any part or parts of the house”;
 - (e) yn is-adran (10)—
 - (i) yn y diffiniad o “the appropriate person”, cyn “housing benefit” mewnosoder “universal credit or”;
 - (ii) yn lle'r diffiniad o “periodical payments” rhodder—
 - ““periodical payments” means—
 - (a) payments in respect of which an amount under section 11 of the Welfare Reform Act 2012 may be included in the calculation of an award of universal credit, as referred to in paragraph 3 of Schedule 4 to the Universal Credit Regulations 2013 (“relevant payments”) (S.I. 2013/376) or any corresponding provision replacing that paragraph; and
 - (b) periodical payments in respect of which housing benefit may be paid by virtue of regulation 12 of the Housing Benefit Regulations 2006 or any corresponding provision replacing that regulation,”; ac
 - (f) yn is-adran (11)(b), cyn “housing benefit” mewnosoder “universal credit or”.
- (5) Yn adran 97 (darpariaethau pellach am orchmynion ad-dalu rhent)—
- (a) yn is-adran (2)—
 - (i) yn lle paragraff (b) rhodder—
 - “(b) that—
 - (i) one or more relevant awards of universal credit (as defined in section 96(6A)) were paid (whether or not to the appropriate person); or
 - (ii) housing benefit was paid (whether or not to the appropriate person) in respect of periodical payments payable in connection with occupation of the whole or any part or parts of the house,

during any period during which it appears to the tribunal that such an offence was being committed in relation to the house,”; a

- (ii) yn y geiriau i gloi, yn lle “an amount equal to the total amount of housing benefit paid as mentioned in paragraph (b)” rhodder “the amount mentioned in subsection (2A)”;
- (b) ar ôl is-adran (2) mewnosoder—
 - “(2A) The amount referred to in subsection (2) is—
 - (a) an amount equal to—
 - (i) where one relevant award of universal credit was paid as mentioned in subsection (2)(b)(i), the amount included in the calculation of that award under section 11 of the Welfare Reform Act 2012, calculated in accordance with Schedule 4 to the Universal Credit Regulations 2013 (housing costs element for renters) (S.I. 2013/376) or any corresponding provision replacing that Schedule, or the amount of the award if less; or
 - (ii) if more than one such award was paid as mentioned in subsection (2)(b)(i), the sum of the amounts included in the calculation of those awards as referred to in sub-paragraph (i), or the sum of the amounts of those awards if less, or
 - (b) an amount equal to the total amount of housing benefit paid as mentioned in subsection (2)(b)(ii),
(as the case may be).”;
 - (c) yn is-adran (3), yn lle “total amount of housing benefit paid as mentioned in that paragraph” rhodder “amount mentioned in subsection (2A)”;
 - (d) yn is-adran (6)(b)(i), ar ôl “payments of” mewnosoder “relevant awards of universal credit or”;
 - (e) yn is-adran (7)—
 - (i) ym mharagraff (a), cyn “housing benefit” mewnosoder “relevant awards of universal credit.”; a
 - (ii) ym mharagraff (b), yn lle'r geiriau o “any amount” i'r diwedd rhodder—
 - “(i) where one or more relevant awards of universal credit were payable during the period in question, the amount mentioned in subsection (2A)(a) in respect of the award or awards that related to the occupation of the part of the HMO occupied by him during that period; or
 - (ii) any amount of housing benefit payable in respect of the occupation of the part of the HMO occupied by him during the period in question”; ac
 - (f) yn is-adrannau (9)(a) a (15)(a), cyn “housing benefit” mewnosoder “universal credit or”.

Diwygio Deddf Gofal Plant 2006

4. Ar ôl adran 22(2)(a)(i) o Ddeddf Gofal Plant 2006(4) (dyletswydd i sicrhau gofal plant digonol i rieni sy'n gweithio), mewnosoder—

- “(ia) the provision of childcare in respect of which an amount in respect of childcare costs may be included under section 12 of the Welfare Reform Act 2012 in the calculation of universal credit.”.

RHAN 2

IS-DDEDDFWRIAETH

Diwygio Rheoliadau Grantiau Adnewyddu Tai 1996

- 5.—(1) Mae Rheoliadau Grantiau Adnewyddu Tai 1996⁽⁵⁾ wedi eu diwygio fel a ganlyn.
- (2) Mae rheoliad 2(1) (dehongli)⁽⁶⁾ wedi ei ddiwygio fel a ganlyn—
- (a) yn lle'r diffiniad o “contributory employment and support allowance” rhodder—
- ““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act 2007 (“the 2007 Act”) as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance, and a contributory allowance under Part 1 of the 2007 Act as that Part has effect apart from those provisions;”; a
- (b) ar ôl y diffiniad o “training allowance” mewnosoder—
- ““universal credit” means universal credit under Part 1 of the 2012 Act;”.
- (3) Yn rheoliad 10 (y swm cymwys)⁽⁷⁾—
- (a) ym mharagraff (3)—
- (i) ar ôl is-baragraff (a)(v) hepgorer “or” ac ar ôl is-baragraff (a)(vi) mewnosoder—
- “; or
- (vii) universal credit;”;
- (ii) ar ôl is-baragraff (b) hepgorer “or” ac ar ôl is-baragraff (c) mewnosoder—
- “; or
- (d) subject to paragraph (5), a relevant person who has a partner, where the partner is entitled to universal credit”; a
- (b) ar ôl paragraff (4), mewnosoder—
- “(5) For the purposes of paragraph (3)(d) and regulation 11(2)(b), where the relevant person and a partner of that person are parties to a polygamous marriage, the fact that they are partners will be disregarded if—
- (a) one of them is a party to an earlier marriage that still subsists; and
- (b) the other party to that earlier marriage is living in the same household.”
- (4) Yn rheoliad 11 (adnoddau ariannol)—
- (a) ar y dechrau mewnosoder “(1) Subject to paragraph (2),”; a
- (b) ar ôl paragraff (1) mewnosoder—
- “(2) Subject to regulation 10(5), where a relevant person in the case of the application—
- (a) is entitled to universal credit; or
- (b) is not entitled to universal credit but their partner is so entitled,
- then the income of that relevant person for the purposes of paragraph (1) will be taken to be nil.”

(5) O.S. 1996/2890.

(6) Mae rheoliad 2(1) wedi ei ddiwygio gan O.S. 2013/552 (Cy.62); mae diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn.

(7) Diwygiwyd rheoliad 10 gan O.S. 2008/2377 ac O.S. 2010/297.

(5) Yn rheoliad 19 (trin taliadau gofal plant)(8), ym mharagraffau (3)(b) a (3)(c)(ii), ar ôl “Employment and Support Allowance Regulations 2008” mewnoder “or the Employment and Support Allowance Regulations 2013”.

(6) Yn rheoliad 31(10A)(b)(i) (incwm tybiannol) yn lle'r geiriau o “in accordance with” i'r diwedd rhodder “approved by the Welsh Ministers”.

Diwygio Rheoliadau Grant Gweithredwyr Gwasanaethau Bysiau (Cymru) 2002

6.—(1) Mae Rheoliadau Grant Gweithredwyr Gwasanaethau Bysiau (Cymru) 2002(9) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3(4) (cymhwyster i gael grant)(10), ar ôl is-baragraff (c) mewnoder—
“(ca) personau sy'n cael credyd cynhwysol o dan Ran 1 o Ddeddf Diwygio Lles 2012;”.

Diwygio Rheoliadau Digartrefedd (Cymru) 2006

7.—(1) Mae Rheoliadau Digartrefedd (Cymru) 2006(11) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (dehongli)—

- (a) ym mharagraff (1), ar ôl y diffiniad o “Deddf 1996” mewnoder—
“ystyr “Deddf 2012” (*“the 2012 Act”*) yw Deddf Diwygio Lles 2012 (2012 p.5);”;
- (b) ar ddiwedd paragraff (3)(c)(ii), hepgorer y gair “a”;
- (c) ar ddiwedd paragraff (ch), dileer yr atalnod llawn a mewnoder “; a”; a
- (d) ar ôl paragraff (ch), mewnoder—
 - “(d) ystyr “lwfans cyflogaeth a chymorth” (*“employment and support allowance”*) yw lwfans cyflogaeth a chymorth o dan Ran 2 o Ddeddf 2012; ac
 - (dd) ystyr “credyd cynhwysol” (*“universal credit”*) yw credyd cynhwysol o dan Ran 1 o Ddeddf 2012.”

(3) Yn rheoliad 3(1)(ff) (dosbarthiadau o bersonau sy'n ddarostyngedig i reolaeth fewnfudo ac sy'n gymwys i gael cymorth tai)—

- (a) ar ôl “lwfans cyflogaeth a chymorth yn seiliedig ar incwm” mewnoder “; lwfans cyflogaeth a chymorth;”; a
- (b) yn lle “cymhorthdal” rhodder “credyd cynhwysol neu gymhorthdal”.

Diwygio Rheoliadau Gorchmynion Ad-dalu Rhent (Darpariaethau Atodol) (Cymru) 2008

8.—(1) Mae Rheoliadau Gorchmynion Ad-dalu Rhent (Darpariaethau Atodol) (Cymru) 2008(12) wedi eu diwygio fel a ganlyn.

(2) Yn lle rheoliad 1(3) (enwi, cychwyn, cymhwyso a dehongli) rhodder—

- “(3) Yn y Rheoliadau hyn—
 - ystyr “y Ddeddf” (*“the Act”*) yw Deddf Tai 2004;
 - ystyr “dyfarniad perthnasol o gredyd cynhwysol” (*“relevant award of universal credit”*) yw dyfarniad y cyfeirir ato yn adran 73(6A) o Ddeddf Tai 2004.”

(8) Diwygiwyd rheoliad 19(3) gan O.S. 2010/297.

(9) O.S. 2002/2022.

(10) Diwygiwyd rheoliad 3(4) gan O.S. 2008/1879.

(11) O.S. 2006/2646.

(12) O.S. 2008/254.

(3) Yn rheoliad 2 (diwygio cais am orchymyn ad-dalu rhent i dynnu ymaith fudd-dal tai nad oedd yn briodol daladwy)—

(a) ym mharagraff (1), ar ôl “budd-dal tai”, mewnosoder “neu ddyfarniad perthnasol o greyd cynhwysol”; a

(b) ym mharagraff (2), yn lle'r geiriau o “yn lle cyfanswm y budd-dal” i'r diwedd rhodder—
“—

(a) yn achos budd-dal tai, yn lle cyfanswm y budd-dal tai a dalwyd, y rhan honno o'r swm hwnnw y mae'n credu sy'n briodol daladwy;

(b) yn achos dyfarniad perthnasol o greyd cynhwysol, yn lle'r swm y cyfeirir ato yn adran 74(2A)(a) o'r Ddeddf y credid yn wreiddiol ei fod yn gymwys, y swm y credir bellach ei fod yn gymwys (os yw'n wahanol).”

(4) Yn lle paragraff (3), rhodder—

“(3) At ddibenion paragraffau (1) a (2)—

(a) mae swm o fudd-dal tai yn briodol daladwy os yw'r person y'i telir iddo, neu mewn cysylltiad ag ef, â hawl iddo o dan Reoliadau Budd-dal Tai 2006 neu Reoliadau Budd-dal Tai (Personau sydd wedi cyrraedd yr oed cymwys ar gyfer credyd pensiwn y wladwriaeth) 2006 (p'un ai yn y penderfyniad cychwynnol neu fel y'i diwygiwyd neu y'i disodlwyd ar ôl hynny, neu fel y'i diwygiwyd neu y'i disodlwyd ymhellach); a

(b) mae dyfarniad perthnasol o greyd cynhwysol yn briodol daladwy os yw'r person y'i telir iddo, neu mewn cysylltiad ag ef, â hawl iddo o dan Reoliadau Credyd Cynhwysol 2013 (p'un ai yn y penderfyniad cychwynnol neu fel y'i diwygiwyd neu y'i disodlwyd ar ôl hynny, neu fel y'i diwygiwyd neu y'i disodlwyd ymhellach).”

16 Gorffennaf 2013

Jeff Cuthbert
Y Gweinidog Cymunedau a Threchu Tlodi, un o
Weinidogion Cymru

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud darpariaeth mewn perthynas â darpariaethau Rhan 1 o Ddeddf Diwygio Lles 2012 (p.5) ("y Ddeddf") sy'n ymwneud â chyflwyno credyd cynhwysol a diddymu lwfans cyflogaeth a chymorth yn seiliedig ar incwm a lwfans ceisio gwaith yn seiliedig ar incwm.

Mae'r Rheoliadau yn diwygio deddfwriaeth sylfaenol ac is-ddeddfwriaeth ym meysydd gofal plant, tai a thrafnidiaeth. Mae'r diwygiadau yn ganlyniadol ar ddwyn Rhan 1 o Ddeddf 2012 i rym.

Yn benodol, mae rheoliad 2 yn diwygio adran 3 o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996 sy'n caniatáu ar gyfer rheoliadau i eithrio disgrifiadau o geiswyr sydd â hawl i grantiau o dan Bennod 1 o Ran 1 o'r Ddeddf honno (grantiau am adnewyddu, atgyweirio etc). Effaith y diwygiadau yw bod y cyfeiriad at gredyd cynhwysol a fewnosodwyd gan Reoliadau Credyd Cynhwysol (Darpariaethau Canlyniadol, Atodol, Cysylltiedig ac Amrywiol) 2013 (O.S. 2013/630) yn gymwys i bŵer Gweinidogion Cymru i wneud rheoliadau o dan adran 3.

Mae rheoliad 3 yn gwneud diwygiadau i Ddeddf Tai 2004 o ran Cymru sydd yr un fath â'r rheini a wnaed gan reoliad 18 o Reoliadau Credyd Cynhwysol (Darpariaethau Canlyniadol, Atodol, Cysylltiedig ac Amrywiol) 2013 o ran Lloegr. Mae'r diwygiadau hyn yn mewnosod cyfeiriadau at yr elfen tai o ddyfarniad o gredyd cynhwysol yn y darpariaethau sy'n ymwneud â gorchmynion adalu rhent y gall tribiwnlys eiddo preswyl eu gwneud.

Mae rheoliad 4 yn diwygio adran 22 o Ddeddf Gofal Plant 2006 er mwyn cynnwys cyfeiriad at yr elfen gofal plant o gredyd cynhwysol mewn cysylltiad â dyletswydd awdurdod lleol yng Nghymru i ddiogelu gofal plant digonol yn ei ardal.