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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2013 Rhif 3138 (Cy. 311)**

**2013 No. 3138 (W. 311)**

**TAI, CYMRU**

**HOUSING, WALES**

Rheoliadau Grantiau Adnewyddu  
Tai (Diwygio) (Cymru) (Rhif 2)  
2013

The Housing Renewal Grants  
(Amendment) (Wales) (No. 2)  
Regulations 2013

**NODYN ESBONIADOL**

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

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Mae'r Rheoliadau hyn yn gwneud diwygiadau canlyniadol i Reoliadau Grantiau Adnewyddu Tai 1996 er mwyn ymdrin ag effaith taliad annibyniaeth y lluoedd arfog ar y profion modd ar gyfer derbyn grantiau cyfleusterau i'r anabl.

Mae'r rhain yn cynnwys: diwygiadau yn ymwneud â gostwng yr incwm asesiedig er mwyn ystyried taliadau gofal plant, diwygiadau yn ymwneud â'r hawl i breimymau penodol pan fo personau anabl neu aelodau o'u haelwydydd yn derbyn taliad annibyniaeth y lluoedd arfog, a diwygiad er mwyn diystyru taliad annibyniaeth y lluoedd arfog wrth gyfrifo incwm ac eithrio enillion.

Mae taliad annibyniaeth y lluoedd arfog yn gymwys i'r premiwm plentyn anabl pan fo'r person ifanc dan sylw yn ddigon hen i gael ei gyflogi yn y lluoedd arfog.

These Regulations make consequential amendments to the Housing Renewal Grants Regulations 1996 to deal with the impact of armed forces independence payment on means testing for receipt of disabled facilities grants.

These include: amendments concerning the reduction of assessed income to take account of child care payments, amendments concerning the entitlement to certain premiums where disabled persons or members of their household are in receipt of armed forces independence payment, and an amendment to disregard armed forces independence payment in calculating income other than earnings.

Armed forces independence payment applies to the disabled child premium where the young person concerned is old enough to be employed in the armed forces.

**2013 Rhif 3138 (Cy. 311)**

**TAI, CYMRU**

**Rheoliadau Grantiau Adnewyddu  
Tai (Diwygio) (Cymru) (Rhif 2)  
2013**

*Gwnaed* 10 Rhagfyr 2013  
*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 12 Rhagfyr 2013  
*Yn dod i rym* 29 Ionawr 2014

Mae Gweinidogion Cymru, 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 drosglwyddwyd i Gynulliad Cenedlaethol Cymru(2) ac a freiniwyd bellach ynddynt hwy(3) yn gwneud y Rheoliadau a ganlyn.

**Enwi, cychwyn a chymhwyso**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Grantiau Adnewyddu Tai (Diwygio) (Cymru) (Rhif 2) 2013 a deuant i rym ar 29 Ionawr 2014.

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

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- (1) 1996 p.53.  
(2) Trosglwyddwyd pwerau'r Ysgrifennydd Gwladol o dan adrannau 30, 146(1) a 146(2) o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996 i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo.  
(3) Trosglwyddwyd pwerau Cynulliad Cenedlaethol Cymru o dan adrannau 30, 146(1) a 146(2) o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996 i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

**2013 No. 3138 (W. 311)**

**HOUSING, WALES**

**The Housing Renewal Grants  
(Amendment) (Wales) (No. 2)  
Regulations 2013**

*Made* 10 December 2013  
*Laid before the National Assembly for Wales*  
12 December 2013  
*Coming into force* 29 January 2014

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by sections 30, and 146(1) and (2) of the Housing Grants, Construction and Regeneration Act 1996(1), transferred to the National Assembly for Wales(2) and now vested in them(3) make the following Regulations.

**Title, commencement and application**

1.—(1) The title of these Regulations is the Housing Renewal Grants (Amendment) (Wales) (No.2) Regulations 2013 and they come into force on 29 January 2014.

(2) These Regulations apply in relation to Wales.

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- (1) 1996 c.53.  
(2) Powers of the Secretary of State under sections 30, 146(1) and 146(2) of the Housing Grants, Construction and Regeneration Act 1996 were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).  
(3) Powers of the National Assembly for Wales under sections 30, 146(1) and 146(2) of the Housing Grants, Construction and Regeneration Act 1996 were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

## Diwygio Rheoliadau Grantiau Adnewyddu Tai 1996

2.—(1) Mae Rheoliadau Grantiau Adnewyddu Tai 1996(1) wedi eu diwygio yn unol â pharagraffau (2) i (6).

(2) Yn rheoliad 2(1)(2) (dehongli) yn y man priodol mewnosoder—

“armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(3);”.

(3) Yn rheoliad 19 (trin taliadau gofal plant)(4)—

(a) ar ôl paragraff (3)(d)(viii) mewnosoder—

“(ix) armed forces independence payment;”;

(b) hepgorer “or” ar ddiwedd paragraff (8)(b)(iii); ac

(c) ar ôl paragraff (8)(b)(iv) mewnosoder—

“; or

(v) in respect of whom armed forces independence payment is payable”.

(4) Yn Atodlen 1 (symiau sy’n gymwys)—

(a) ym mharagraff 12(1)(a)(i) (amod ychwanegol ar gyfer y premiwm pensïynwr uwch a’r premiwm anabled), ar ôl “disability living allowance” mewnosoder “; armed forces independence payment”;

(b) ym mharagraff 13 (premiwm anabled difrifol)—

(i) yn is-baragraff (2)(a)(i) ar ôl “section 78(3) of the 2012 Act” mewnosoder “or armed forces independence payment”;

(ii) yn is-baragraff (2)(b)(i) ar ôl “section 78(3) of the 2012 Act(5)” mewnosoder “or armed forces independence payment”; a

(iii) ar ôl is-baragraff (5)(c) mewnosoder—

“; or

(d) a person receiving armed forces independence payment”;

## Amendment of the Housing Renewal Grants Regulations 1996

2.—(1) The Housing Renewal Grants Regulations 1996(1) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1)(2) (interpretation) at the appropriate place insert—

“armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(3);”.

(3) In regulation 19 (treatment of child care charges)(4)—

(a) after paragraph (3)(d)(viii) insert—

“(ix) armed forces independence payment;”;

(b) omit “or” at the end of paragraph (8)(b)(iii); and

(c) after paragraph (8)(b)(iv) insert—

“; or

(v) in respect of whom armed forces independence payment is payable.”

(4) In Schedule 1 (applicable amounts)—

(a) in paragraph 12(1)(a)(i) (additional condition for the higher pensioner and disability premiums) after “disability living allowance” insert “; armed forces independence payment”;

(b) in paragraph 13 (severe disability premium)—

(i) in sub-paragraph (2)(a)(i) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;

(ii) in sub-paragraph (2)(b)(i) after “section 78(3) of the 2012 Act(5)” insert “or armed forces independence payment”; and

(iii) after sub-paragraph (5)(c) insert—

“; or

(d) a person receiving armed forces independence payment”;

(1) Diwygiwyd O.S. 1996/2890 o ran Cymru gan O.S. 2004/253 (Cy.28), O.S. 2006/2801 (Cy.240), O.S. 2010/297 (Cy.39) ac O.S. 2013/552 (Cy.62). Mae diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn.

(2) Diwygiwyd rheoliad 2(1) gan O.S. 2013/552 (Cy.62) ac o ran Cymru gan O.S. 2004/253 (Cy.28).

(3) O.S. 2011/517.

(4) Diwygiwyd rheoliad 19(3) gan O.S. 2013/552 (Cy.62). Diwygiwyd rheoliad 19(3)(d) o ran Cymru gan O.S. 2010/297 (Cy.39).

(5) Diffinnir “Deddf 2012” yn y Prif Reoliadau fel “Deddf Diwygio Lles 2012”.

(1) S.I. 1996/2890 was amended in relation to Wales by S.I. 2004/253 (W.28), S.I. 2006/2801 (W.240), S.I. 2010/297 (W.39) and S.I. 2013/552 (W.62). There are other amendments which are not relevant to these Regulations.

(2) Regulation 2(1) was amended by S.I. 2013/552 (W.62) and in relation to Wales by S.I. 2004/253 (W.28).

(3) S.I. 2011/517.

(4) Regulation 19(3) was amended by S.I. 2013/552 (W.62). Regulation 19(3)(d) was amended in relation to Wales by S.I. 2010/297 (W.39).

(5) “the 2012 Act” is defined in the Principal Regulations as “the Welfare Reform Act 2012.”

(c) ym mharagraff 13A (uwch breimiwm anabled)(1), ar ôl is-baragraff (c) mewnosoder—

“; or

(d) armed forces independence payment is payable,”;

(d) ym mharagraff 14 (premiwm plentyn anabl) ar ôl is-baragraff (1)(d) mewnosoder—

“; or

(e) is a young person who is in receipt of armed forces independence payment”;

(e) ym mharagraff 15(2)(b) (premiwm gofalwr)(2) ar ôl “section 78(3) of the 2012 Act” mewnosoder “or armed forces independence payment”.

(5) Yn Atodlen 1A (symiau sy'n gymwys ar gyfer personau sydd wedi cyrraedd yr oedran sy'n eu gwneud yn gymwys i gredyd pensiwn y wladwriaeth, neu y mae eu partner wedi cyrraedd yr oedran hwinnw)(3)—

(a) ym mharagraff 7 (premiwm anabled difrifol)—

(i) yn is-baragraff (2)(a)(i) ar ôl “section 78(3) of the 2012 Act” mewnosoder “or armed forces independence payment”;

(ii) yn is-baragraff (2)(b)(i) ar ôl “section 78(3) of the 2012 Act” mewnosoder “or armed forces independence payment”;

(iii) ar ôl is-baragraff (5)(c) mewnosoder—

“or

(d) a person receiving armed forces independence payment”;

(b) ym mharagraff 8 (uwch breimiwm anabled) ar ôl paragraff (b) mewnosoder—

“or

(c) in respect of a young person, armed forces independence payment is payable,”;

(c) ym mharagraff 9 (premiwm plentyn anabl) ar ôl paragraff (9)(1)(d) mewnosoder—

“; or

(c) in paragraph 13A (enhanced disability premium)(1), after sub-paragraph (c) insert—

“; or

(d) armed forces independence payment is payable,”;

(d) in paragraph 14 (disabled child premium), after sub-paragraph (1)(d) insert—

“; or

(e) is a young person who is in receipt of armed forces independence payment”;

(e) in paragraph 15(2)(b) (carer premium)(2) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”.

(5) In Schedule 1A (applicable amounts for persons who have attained or whose partner has attained the qualifying age for state pension credit)(3)—

(a) in paragraph 7 (severe disability premium)—

(i) in sub-paragraph (2)(a)(i) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;

(ii) in sub-paragraph (2)(b)(i) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;

(iii) after sub-paragraph (5)(c) insert—

“or

(d) a person receiving armed forces independence payment”;

(b) in paragraph 8 (enhanced disability premium) after sub-paragraph (b) insert—

“or

(c) in respect of a young person, armed forces independence payment is payable,”;

(c) in paragraph 9 (disabled child premium) after sub-paragraph (1)(d) insert—

“; or

(1) Amnewidiwyd paragraff 13A o ran Cymru gan O.S. 2010/297 (Cy.39).

(2) Diwygiwyd paragraff 15(2) gan O.S. 2013/552 ac o ran Cymru gan O.S. 2004/253 (Cy.28).

(3) Diwygiwyd Atodlen 1A gan O.S. 2013/552 (Cy.62), ar ôl iddi gael ei mewnosod o ran Cymru gan O.S. 2006/2801 (Cy.240).

(1) Paragraph 13A was substituted in relation to Wales by S.I. 2010/297(W.39).

(2) Paragraph 15(2) was amended by S.I.2013/552 (W.62) and in relation to Wales by S.I.2004/253 (W.28).

(3) Schedule 1A was amended by S.I. 2013/552 (W.62), having been inserted in relation to Wales by S.I. 2006/2801(W.240)

(e) is a young person in receipt of armed forces independence payment”.

(6) Yn Atodlen 3 (symiau sydd i’w diystyru wrth benderfynu incwm ac eithrio enillion), ym mharagraff 5, ar ôl “disability living allowance” mewnosoder “armed forces independence payment”.

(e) is a young person in receipt of armed forces independence payment.”

(6) In Schedule 3 (sums to be disregarded in the determination of income other than earnings), in paragraph 5, after “disability living allowance” insert “, armed forces independence payment”.

*Carl Sargeant*

Y Gweinidog Tai ac Adfywio, un o Weinidogion  
Cymru

10 Rhagfyr 2013

Minister for Housing and Regeneration, one of the  
Welsh Ministers

10 December 2013

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