

OFFERYNNAU STATUDOL CYMRU

2004 Rhif 254 (Cy.29)

TAI, CYMRU

**Rheoliadau Grantiau Adnewyddu Tai (Ffurflen a
Manylion Rhagnodedig) (Diwygio) (Cymru) 2004**

Wedi'u gwneud - - - 4 Chwefror 2004
Yn dod i rym - - - 9 Chwefror 2004

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 2(2) a (4), a 146(1) a (2) o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996(1) drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Grantiau Adnewyddu Tai (Ffurflen a Manylion Rhagnodedig) (Diwygio) (Cymru) 2004 a deuant i rym ar 9 Chwefror 2004.

(2) Mae'r Rheoliadau hyn yn gymwys i geisiadau am grant a wnaed ar neu ar ôl 9 Chwefror 2004 i awdurdodau tai lleol yng Nghymru(2).

Diwygiadau

2. Mae Rheoliadau Grantiau Adnewyddu Tai (Ffurflen a Manylion Rhagnodedig) 1996(3) yn cael eu diwygio yn unol â'r rheoliadau canlynol.

Rheoliad 2

3. Yn lle rheoliad 2 (ffurflenni cais am grant) rhowch —

“2.—(1) The form set out in the Schedule shall be the prescribed form of application for a grant (other than a landlord's application) for the purposes of section 2(4) of the Act.

- (1) 1996 p.53. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan yr adrannau hyn, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru drwy Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). *Gweler* yr eitem yn Atodlen 1 ar gyfer Deddf Grantiau Tai, Adeiladu ac Adfywio 1996.
- (2) I gael y diffiniad o “grant”, *gweler* adran 1 o'r Ddeddf fel y'i diwygiwyd gan baragraff 2 o Atodlen 3 i Orchymyn Diwygio Rheoleiddio (Cymorth Tai) (Lloegr a Chymru) 2002 (O.S. 2002/1860) (“Gorchymyn 2002”).
- (3) O.S. 1996/2891, a ddiwygiwyd gan O.S. 1996/3119, O.S. 1997/978, O.S. 1998/809, O.S. 1999/1607, O.S. 1999/3470 (Cy.56), O.S. 2000/1735 (Cy.119), O.S. 2001/2071 (Cy.143), O.S. 2001/4006 (Cy.332) ac O.S. 2002/2799 (Cy.267).

(2) In paragraph (1), “landlord’s application” means an owner’s application in respect of works to a dwelling which is or is intended to be let, or to the common parts of a building in which a flat is or is intended to be let.”.

Yr Atodlen

4. Mae'r ffurflen a welir yn yr Atodlen yn cael ei diwygio yn y modd a welir yn yr Atodlen i'r Rheoliadau hyn.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(4)

4 Chwefror 2004

D. Elis-Thomas
Llywydd y Cynulliad Cenedlaethol

YR ATODLEN

Rheoliad 4

DIWYGIO'R FFURFLEN RAGNODEDIG

1. Yn lle pennawd y ffurflen ac yn lle'r cyfan o'r testun sy'n dod o flaen Rhan 1 rhowch — “APPLICATION FOR GRANT FOR DISABLED PERSONS' FACILITIES

(Insert name and address of council)

In these instructions and the accompanying form and notes, "the Act" means the Housing Grants, Construction and Regeneration Act 1996. The Act has been substantially amended by Schedule 3 to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860). Unless otherwise stated, all references to sections are to sections of the Act.

This is the form to use if you are making an application under Part 1 of the Act for grant towards the cost of works required for the provision of facilities for disabled persons in a house, a flat, a qualifying houseboat or a qualifying park home, or in the common parts of a building containing one or more flats. (**Notes 5, 5A and 5B** give further information about the meaning of flat, qualifying houseboat and qualifying park home).

Do not use this form if you are an owner and the application is in respect of works to a house or flat which is or is intended to be let or to the common parts of a building in which a flat is or is intended to be let.

Please tick boxes where appropriate.

When you have completed this form, please send it to the council whose name and address is given above.

If you are uncertain how to answer any of the questions, please contact *(insert name, address and telephone number of contact in the council)*

2. Yn y testun mewn italig o flaen cwestiwn 1.1, hepgorwch y geiriau o “Throughout” i “in the Act”.
3. Yng nghwestiynau 1.2A, 1.3, 1.5 ac 1.9 yn lle “property” rhowch “premises”.
4. Yn lle cwestiwn 1.7 a'r pennawd o'i flaen rhowch —

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The premises where the works are to be carried out

1.7 Please give the address of the premises at which the works are to be carried out:

.....
.....
.....
.....

Are these premises:

- a house
- a flat Note **5**
- a qualifying houseboat Note **5A**
- a qualifying park home Note **5B**
- a building containing one or more flats Note **5C**

If you cannot tick one of the above, in answer to this question, you are not entitled to be paid grant

- 5. Hepgorwch gwestiynnau 1.8 ac 1.18.
- 6. Yng nghwestiwn 1.10 and 1.11 yn lle "this property" rhowch "these premises."
- 7. Yn lle Rhan 2 (yn cynnwys Rhannau 2 i 2C) rhowch —

“PART 2

INFORMATION SPECIFIC TO THE APPLICATION YOU ARE MAKING

2.1. Which kind of application are you making?

Disabled adaptations to a house or flat

- an owner's application (other than a landlord's application) **Notes 16 and 17**
- a tenant's application **Note 18**

Disabled adaptations to the common parts of a building containing one or more flats

- an owner's application (other than a landlord's application) **Note 16**
- a tenant's application **Note 18**

Disabled adaptations to a qualifying houseboat or qualifying park home

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- an occupier's application **Note 19**

2.2. Will the disabled occupant or the disabled occupants, for whose benefit the adaptations are proposed, be: **Note 31**

Adaptations to a house, flat, qualifying houseboat or qualifying park home

- yourself?
- someone who is or will be living in the premises with you?
- (where you do not live there) the occupier or one of the occupiers of the premises?

Adaptations to the common parts of a building containing one or more flats

- yourself?
- someone who is or will be living with you in a flat in the building?
- (where you do not live there) the occupier or one of the occupiers of a flat in the building?

Please give each disabled occupant's name and describe their disability (giving the medical name of the condition, where known):

.....

2.3. Please describe the works briefly :

.....

2.4. Which certificate(s) are you providing with your application?

Note 34

Owner's application

Owner's certificate
(Please go to question 2.5) **Note 35**

Tenant's application

Tenant's certificate **Note 36**

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Owner's certificate
(Please go to question 2.8)

Occupier's application

Occupier's certificate **Note 36A**

Consent certificate(s) **Note 36B**

OWNER'S APPLICATION (OTHER THAN A LANDLORD'S APPLICATION)

2.5. Do you (alone or jointly with others):

- (a) own the freehold; or
- (b) have a tenancy with at least 5 years still to run, of the house or flat and/or (in the case of an owner's application for disabled adaptations to the common parts of a building containing one or more flats) the common parts of the building?

Note 20

Yes (*Circle if applicable*)

Please indicate which interest you own

Freehold/tenancy with at least 5 years still to run*

* (*please delete as appropriate*):

If you own the interest jointly with anyone else, please give the names and addresses of your co-owners:

.....
.....
.....

(Please go to question 2.7)

No (*Circle if applicable*)

2.6. Do you (alone or jointly with others) propose to:

- (a) acquire the freehold, or
- (b) enter into a tenancy with at least 5 years still to run,

of the house or flat and/or (in the case of an owner's application for disabled adaptations to the common parts of a building containing one or more flats) the common parts of the building?

Yes (*Circle if applicable*)

Please indicate which interest you propose to acquire

Freehold/tenancy with at least 5 years still to run*

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* (please delete as appropriate):

.....
.....
.....

When do you propose to acquire the interest
.....

Note 21

If you propose to acquire it jointly with anyone else, please give names and addresses of the other proposed co-owners:

.....
.....
.....

No (Circle if applicable)

2.7. Please give the name and address of everyone (whether or not the person is also named in any of questions 2.1, 2.5 or 2.6) who resides or proposes to reside in the house or flat or (in the case of an owner's application for disabled adaptations to the common parts of a building) in the relevant flat(s) in the building:

.....
.....
.....
.....

(Please go to **Part 3**)

TENANT'S APPLICATION - WORKS TO HOUSE OR FLAT

If you own the freehold of the premises or hold a tenancy of it with at least 5 years still to run, or if you are proposing to acquire either of these interests, you are not eligible to make a tenant's application for grant. You should consider making an owner's application instead (questions 2.5 to 2.7 inclusive).

2.8. Are you the tenant of a house, or of a flat in a building (other than under a tenancy with at least 5 years still to run)?

Yes No

- tenant of a house
- tenant of a flat in a building

2.9. Which type of tenancy do you have of the

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house/flat? (Please tick one only):

Note 37

- introductory tenancy
- secure tenancy
- statutory tenancy under the Rent (Agriculture) Act 1976 or the Rent Act 1977
- protected occupancy under the Rent (Agriculture) Act 1976
- assured agricultural occupancy under Part 1 of the Housing Act 1988
- service occupancy
- tenancy other than the above

2.10. Do you (alone or with others) propose to acquire the freehold of the premises or a tenancy of it with at least 5 years still to run?

Note 27

Yes

No

2.11. If you are a tenant of the premises with anyone else, please give the names and addresses of your fellow tenants:

.....

.....

.....

.....

2.12. Please give the name and address of everyone (whether or not the person is also named under question 2.11) who resides or proposes to reside in the premises:

.....

.....

.....

.....

2.13. Please give the name, address and telephone number of your landlord or your landlord's agent:

Name

(landlord/landlord's agent*)

Business address

.....

.....

.....

.....

Tel:

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(*Please delete as appropriate)

TENANT'S APPLICATION-WORKS TO THE COMMON PARTS OF A BUILDING

2.14. Do you have a duty or a power to carry out works to the common parts of the building?

Yes No

If you answered Yes, please give details of your duty or power. If the duty or power does not cover all of the works to which this grant application relates, specify the works for which you have no duty or power.

Note 38

.....
.....
.....
.....

2.15. If you have no other power or duty to carry out the works to the common parts of the building, do you have your landlord's written permission to carry out those works?

Yes

Note 40

No

If your answer was Yes, please supply a copy of the written permission with your application.

If your answer was No but you expect to get this permission, please give the date on which you expect permission to be given:

.....

(Please go to **Part 3**)

8. Ar ddechrau Rhan 3, yn lle'r testun mewn italig o flaen cwestiwn 3.1 rhwch —

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Please note: a separate **Part 3** should be completed for each of the following persons:

- (1) any disabled occupant, or (where more than one) each of the disabled occupants, of the premises who is not a child or young person for whom a relevant person is responsible as described in paragraph (2) below; and
- (2) where the disabled occupant or any of the disabled occupants of the premises is a child or young person, any person who is responsible for that child/young person.

Note 47A

Note 47A

9. Yng nghwestiwn 3.1 ar ôl “income support” mewnosodwch “, guarantee credit”.
10. Yng nghwestiwn 3.9 hegorwch yr eitem ynglyn â chredyd treth person anabl.
11. Yng nghwestiynau 3.9, 3.12, 3.13, 3.29 a 3.30 yn lle “invalid care” (pryd bynnag y mae'r geiriau hyn yn ymddangos) rhowch “carer's”.
12. Yng nghwestiwn 3.26 —
 - (a) yn y man priodol mewnosodwch —

Savings credit £.....

£..... **Note 73A**
 - (b) yn lle “War widow's” rhowch “or widower's”.
13. Yng nghwestiwn 3.29 —
 - (a) yn y manau priodol mewnosodwch —

“Child Tax Credit £ £

“Working Tax Credit £ £;
 - (b) hegorwch yr eitem ynglyn â chredyd treth person anabl; ac
 - (c) ar ôl “Statutory maternity pay” mewnosodwch “paternity pay or adoption pay”.
14. Yn Rhan 4, yn lle paragraff 4.1(c) rhowch —

“(c) The certificates required for your application as mentioned in question 2.4”.
15. Yn Nodyn 1, yn lle “the property” rhowch “the premises” ac yn lle “at that property” rhowch “there”.
16. Yn lle Nodyn 4 rhowch —

“4. Most of the qualifying conditions for grant are waived for applications in respect of glebe land or the residence house of an ecclesiastical benefice: see section 95.”.
17. Ar ôl Nodyn 5 mewnosodwch —

“5A. A “qualifying houseboat” is a boat or similar structure designed or adapted for use as a place of permanent habitation which —

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- (a) has its only or main mooring within the area of a single local housing authority; and
- (b) is moored in pursuance of a right to that mooring; and
- (c) is a dwelling for the purposes of council tax.

(See the definition of “qualifying houseboat” in section 58).

5B. A “qualifying park home” is defined in section 58. It means a caravan which —

- (a) is stationed on land forming part of a protected site within the meaning of the Mobile Homes Act 1983; and
- (b) is occupied under an agreement to which that Act applies or under a gratuitous licence; and
- (c) is a dwelling for council tax purposes.

“Caravan” is defined in section 29(1) of the Caravan Sites and Control of Development Act 1960. It means, broadly, a structure designed or adapted for living in which is capable of being moved from place to place.

5C. Tick the box if the application includes works for the provision of facilities in the common parts of a building containing one or more flats.”.

18. Hefgorwch Nodiadau 6, 14, 15, 22 i 26, 28 i 30, 32, 33, 39, 41 i 47 a 54A.

19. Yn Nodyn 12 yn lle “Where the application is for disabled facilities grant, the” rhowch “The”.

20. Yn Nodyn 13 hefgorwch y darn o “Section 29 does” hyd at y diwedd.

21. For Notes 16 to 19 substitute —

“**16.** You can make an owner’s application if you own the freehold of the premises or hold a tenancy of the premises with at least 5 years still to run or if you are proposing to acquire either of these interests. If you hold a tenancy with less than 5 years to run, you are not eligible to make an owner’s application but you should consider making a tenant’s application instead.

17. A landlord’s application is an owner’s application for works to a house or flat which is or is intended to be let or to the common parts of a building in which a flat is or is intended to be let: section 31(1).

18. You can make a tenant’s application if you are the tenant of the premises and the tenancy has less than 5 years still to run. Section 19(5) gives an extended meaning to the word “tenant” — for further information see Note **37**.

19. You can make an occupier’s application for works to a qualifying houseboat or a qualifying park home if you occupy it, whether as a sole occupier or as a joint occupier with others. See also Notes **5A** and **5B**.”.

22. Yn lle Nodyn 31 rhowch —

“**31.** The disabled occupant means the disabled person for whose benefit it is proposed to carry out any of the relevant works. Section 100 gives the meaning of “disabled person.””.

23. For Note 34 substitute —

“**34.** The Council is not allowed to entertain a grant application unless it is accompanied —

- (a) in the case of an owner’s application, by a certificate known as an owner’s certificate (see Note **35**);

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- (b) in the case of a tenant's application, by an owner's certificate and another certificate known as a tenant's certificate (*see* Notes **35** and **36**);
- (c) in the case of an occupier's application, by certificates known as an occupier's certificate and a consent certificate (*see* Note **36A**).

The Council may waive the requirement for an owner's certificate to accompany a tenant's application, or a consent certificate to accompany an occupier's application, if they consider the requirement unreasonable in the circumstances. As regards certificates *see* sections 21, 22 and 22A."

24. Yn Nodiadau 35 a 36 hepgorwch "relating to an application for disabled facilities grant" (yn y ddau le).

25. Ar ôl Nodyn 36 mewnosodwch —

36A. Under section 22A(2) an "occupier's certificate" certifies —

- (a) that the application is an occupier's application; and
- (b) that the applicant intends that he (if he is the disabled occupant) or the disabled occupant will live in the qualifying houseboat/qualifying park home as their only or main residence throughout the grant condition period or for such shorter period as his health and other relevant circumstances permit.

36B. A consent certificate certifies that the person giving it consents to the carrying out of the relevant works. A consent certificate should be obtained from each person who is —

- (a) entitled to possession of the premises at which the qualifying houseboat is moored or the pitch on which the qualifying park home is stationed; or
- (b) entitled to dispose of the qualifying houseboat/qualifying park home.

See section 22A(3) and (4)."

26. Yn Nodyn 37 hepgorwch "for the purposes of disabled facilities grant".

27. Yn Nodyn 40 hepgorwch "disabled facilities".

28. Ar ddiwedd Nodyn 47A(5) ychwanegwch —

"Regulation 8 of the Housing Renewal Grant Regulations 1996 deals with the circumstances in which a person is to be treated as responsible or not responsible for a child or young person."

29. Ar ddiwedd Nodyn 48 ychwanegwch —

"Guarantee credit is an element of the social security benefit known as state pension credit payable under the State Pension Credit Act 2002."

30. Yn Nodyn 55(a), yn lle "invalid care" rhwch "carer's".

31. Ar ôl Nodyn 73 mewnosodwch —

73A. Savings credit is an element of the social security benefit known as state pension credit payable under the State Pension Credit Act 2002."

32. Yn lle Nodyn 84B(6) rhwch —

84B. Include also any payment in accordance with an award for working families' tax credit which was awarded with effect from a date falling before April 6 2003. From that date, working families' tax credit is known as working tax credit".

(5) Mewnosodwyd Nodyn 47A gan O.S. 1997/978.

(6) Mewnosodwyd Nodyn 84B gan O.S. 1999/3470.

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33. Yn Nodyn 93 ar ôl “maternity leave” mewnosodwch “paternity leave or adoption leave”.
34. Yn Nodyn 95(1)(a) hepgorwch “disabled person’s tax credit (previously known as disability working allowance)”.

EXPLANATORY NOTE

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

Mae'r Rheoliadau hyn yn diwygio'r ffurflen a welir yn yr Atodlen i Reoliadau Grantiau Adnewyddu Tai (Ffurflen a Manylion Rhagnodedig) 1996 (O.S. 1996/2891). Y ffurflen ragnodedig ar gyfer ceisiadau am grant o dan Bennod 1 o Ran 1 o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996 (“y Ddeddf”) yw'r ffurflen. Mae'r cwestiynau a'r nodiadau sydd wedi'u cynnwys yn y ffurflen ragnodedig yn adlewyrchu'r rheolau prawf moddion ar gyfer ceisiadau am grant sydd wedi'u cynnwys yn Rheoliadau Grantiau Adnewyddu Tai 1996 (O.S. 1996/2890) (“Rheoliadau 1996”).

Mae'r diwygiadau sy'n cael eu gwneud gan y Rheoliadau hyn yn gymwys i geisiadau am grant sy'n cael eu gwneud ar neu ar ôl 9 Chwefror 2004 i awdurdodau tai lleol yng Nghymru. Maent yn ganlyniad i newidiadau a wnaed i'r Ddeddf gan Orchymyn Diwygio Rheoleiddio (Cymorth Tai) Lloegr a Chymru 2002 (O.S. 2002/1860) (“Deddf 2002”) a chan Reoliadau Grantiau Adnewyddu Tai (Diwygio) (Cymru) 2004 (O.S. 2004/) (“Rheoliadau 2004”).

O ganlyniad i'r newidiadau a wnaed gan Orchymyn 2002 a Rheoliadau 2004, mae'r ffurflen ragnodedig yn cael ei diwygio gan y Rheoliadau hyn fel y bo'n gymwys yn unig i geisiadau (heblaw cais landlord) am grant tuag at gostau gwaith y mae ei angen i ddarparu cyfleusterau ar gyfer personau anabl.

Yn rhinwedd y newidiadau a wnaed i'r Ddeddf gan Orchymyn 2002, gall ceisiadau am grant gael eu gwneud bellach gan feddianwyr cychod preswyl cymwys a chartrefi parc cymwys ac mae'r Rheoliadau hyn yn diwygio'r ffurflen ragnodedig i adlewyrchu hyn. Ymhlith newidiadau eraill sy'n ganlyniad i Reoliadau 2004, mae'r Rheoliadau hyn yn diwygio'r ffurflen ragnodedig i gymryd i ystyriaeth gredydau treth newydd a gyflwynwyd drwy Ddeddf Credydau Treth 2002 a Deddf Credyd Pensiwn y Wladwriaeth 2002.