



**Cynulliad Cenedlaethol Cymru**

**National Assembly for Wales**

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OFFERYNNAU STATUDOL

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STATUTORY INSTRUMENTS

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

**1999 No. 3468 (W.54)**

**TAI, CYMRU**

**HOUSING, WALES**

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

**The Housing Renewal Grants  
(Amendment) (Wales) Regulations  
1999**

**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 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.

These Regulations amend the Housing Renewal Grants Regulations 1996 ("the principal Regulations") which set out the means test for determining the amount of renovation grant and disabled facilities grant which may be paid by local housing authorities to owner-occupier or tenant applicants under Chapter I of Part I of the Housing Grants, Construction and Regeneration Act 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.

Most of these amendments are consequential on amendments to the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971). There are also minor and drafting amendments.

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.

Regulation 3 defines working families' tax credit and disabled person's tax credit, which replace family credit and disability working allowance respectively from 5th October 1999. Working families' tax credit and disabled person's tax credit were introduced by the Tax Credits Act 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.

Regulation 4 changes the treatment of relevant child care charges in the means test to extend the relevant ages of children from twelve to fifteen, and to sixteen in the case of disabled children.

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.

Regulations 6 and 7 amend the provisions relating to the sums to be disregarded in the determination of earnings and other income in Schedules 2 and 3 to the principal Regulations.

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## TAI, CYMRU

## HOUSING, WALES

Rheoliadau Grantiau Adnewyddu  
Tai (Diwygio) (Cymru) 1999The Housing Renewal Grants  
(Amendment) (Wales) Regulations  
1999*Wedi'u gwneud* 15 Rhagfyr 1999*Made* 15th December 1999*Yn dod i rym* 22 Rhagfyr 1999*Coming into force* 22nd December 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(a), a freiniwyd ynddo bellach(b):

The National Assembly for Wales makes the following Regulations in exercise of the powers given to the Secretary of State by sections 30 and 146(1) and (2) of the Housing Grants, Construction and Regeneration Act 1996(a), which are now vested in it(b):

**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.

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Housing Renewal Grants (Amendment) (Wales) Regulations 1999 and shall come into force on 22nd December 1999.

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

(2) These Regulations apply to Wales only.

**Diwygiad**

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

**Amendment**

2. The Housing Renewal Grants Regulations 1996(c) are amended in accordance with the following regulations.

**Rheoliad 2**

3. Yn rheoliad 2(1) (dehongli)

(a) yn lle'r diffiniad o "disability working allowance", rhodder y diffiniad canlynol—

**Regulation 2**

3. In regulation 2(1) (interpretation)—

(a) for the definition of "disability working allowance", substitute the following definition—

“ “disabled person's tax credit” means a disabled person's tax credit under section 129 of the 1992 Act(ch)(d) 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;”;

(a) 1996 p.53.

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

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

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

(a) 1996 c.53.

(b) See article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(c) S.I. 1996/2890, amended by S.I. 1996/3119, 1997/977, 1998/808, 1999/1523.

(d) Social Security Contributions and Benefits Act 1992 (c.4); see section 1(1) and Schedule 1 to the Tax Credits Act 1999 (c.10).

(b) ar ôl y diffiniad o “water charges” mewnosoder— (b) after the definition of “water charges” insert—

“ “working families’ tax credit” means a working families’ tax credit under section 128 of the 1992 Act(a)(a) 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(b), 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(c)(c) (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
- (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(ch)(d) (welfare services); or, in Scotland, has been certified as blind and in consequence he is

#### Regulation 19

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

(a) in paragraph 4(b), for the definition of “relevant child care charges”, substitute—

(b) after paragraph (4) add—

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

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

(c) 1989 c.41.

(ch) 1948 c.29.

(a) See section 1(1) and Schedule 1 to the Tax Credits Act 1999

(b) Relevant amending instruments are S.I. 1997/977 and 1998/808.

(c) 1989 p.41.

(d) 1948 p.29.

- 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;

### **Regulations 25 and 27**

5. In regulations 25(2) (determination of net earnings of employed earners) and 27(2) (determination of net profit of self-employed earners), in each case—

- (a) before “paragraphs” insert “any of”, and  
(b) for “14” substitute “16 and 18”.

### **Schedule 2**

6. At the end of Schedule 2 (sums to be disregarded in the determination of earnings), add—

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(a)(a) ; and

“the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations 1991(b)(b) .”.

### 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

(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”.

### Schedule 3

7. In Schedule 3 (sums to be disregarded in the determination of income other than earnings)—

(a) in paragraph 54—

(i) at the beginning of that paragraph, insert—

and

(ii) for “amount of disability working allowance” substitute “amount of disabled person’s tax credit”;

(b) in paragraph 55—

(i) at the beginning of that paragraph, insert—

and

(ii) for “amount of family credit”, substitute “amount of working families’ tax credit”.

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

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(c)

15 Rhagfyr 1999

15th December 1999

*Dafydd Elis Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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

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

(c) 1998 c.38.

(a) S.I. 1987/1973; regulation 46(1)(aa) was inserted by S.I. 1995/1339.

(b) S.I. 1991/2887; regulation 51(1)(bb) was inserted by S.I. 1995/1339 and is amended by S.I. 1999/2487.

(c) 1998 p.38.

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