



OFFERYNNAU STATUDOL
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WELSH
STATUTORY INSTRUMENTS

2008 Rhif 2370 (Cy.205)

2008 No. 2370 (W.205)

TAI, CYMRU

HOUSING, WALES

Gorchymyn Grantiau Cyfleusterau
i'r Anabl (Uchafsymiau a Dibenion
Ychwanegol) (Cymru)
2008

The Disabled Facilities Grants
(Maximum Amounts and
Additional Purposes) (Wales)
Order 2008

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn (sy'n gymwys o ran Cymru) yn rhagnodi uchafswm y grant ar gyfer cyfleusterau gorfodol i'r anabl y gall fod yn ofynnol i awdurdod tai lleol ei dalu o dan Bennod 1 o Ran 1 o Ddeddf Grantiau Tai, Adeiladau ac Adfywio 1996 ("y Ddeddf"). Yn unol ag erthygl 2, £36,000 yw'r uchafswm.

This Order (which applies in relation to Wales) prescribes the maximum amount of mandatory disabled facilities grant that a local housing authority can be required to pay under Chapter 1 of Part 1 of the Housing Grants, Construction and Regeneration Act 1996 ("the Act"). By article 2, the maximum amount is £36,000.

Mae adran 23(1) o'r Ddeddf yn pennu'r dibenion, yn ddarostyngedig i ddarpariaethau Pennod 1 o Ran 1 o'r Ddeddf, y mae'n rhaid cymeradwyo cais am grant ar eu cyfer. Mae erthygl 3 o'r Gorchymyn hwn yn pennu dibenion ychwanegol y mae'n rhaid cymeradwyo cais am grant ar eu cyfer, yn ddarostyngedig i ddarpariaethau Pennod 1 o Ran 1 o'r Ddeddf gael eu bodloni. Y dibenion penodedig yw ei gwneud yn hwylus i feddiannydd anabl fynd i ardd (a ddiffinnir yn erthygl 3(3)) ac o ardd, a'i gwneud yn ddiogel i'r meddiannydd anabl fynd i ardd a dod ohoni.

Section 23(1) of the Act specifies the purposes for which, subject to the provisions of Chapter 1 of Part 1 of the Act, an application for a grant must be approved. Article 3 of this Order specifies additional purposes for which an application for a grant must be approved, subject to the provisions of Chapter 1 of Part 1 of the Act being satisfied. The specified purposes are for facilitating access by the disabled occupant to and from a garden (which is defined in article 3(3)), and for making the access to a garden safe for the disabled occupant.

Mae erthyglau 2 a 3 o Orchymyn Grantiau Cyfleusterau a Chymorth Trwsio Cartrefi (Uchafsymiau) 1996 sy'n gymwys i Gymru a Lloegr, yn gosod uchafswm y grant at gyfleusterau gorfodol i'r anabl yn £30,000 o ran Cymru. Mae erthygl 4 o'r Gorchymyn hwn yn darparu i'r erthyglau hynny beidio â bod yn effeithiol o ran Cymru.

Articles 2 and 3 of the Disabled Facilities Grants and Home Repair Assistance (Maximum Amounts Order) 1996, which apply to England and Wales, set the maximum amount of mandatory disabled facilities grant at £30,000 in relation to Wales. Article 4 of this Order provides for those articles to cease to have effect in relation to Wales.

2008 Rhif 2370 (Cy.205)

TAI, CYMRU

**Gorchymyn Grantiau Cyfleusterau
i'r Anabl (Uchafsymiau a Dibenion
Ychwanegol) (Cymru)
2008**

Gwnaed 6 Medi 2008
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 9 Medi 2008
Yn dod i rym 2 Hydref 2008

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 23(1)(l), 33 a 146 o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996(1) ac sydd bellach wedi'u breinio ynddynt hwy(2), yn gwneud y Gorchymyn a ganlyn:

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Grantiau Cyfleusterau i'r Anabl (Uchafsymiau a Dibenion Ychwanegol) (Cymru) 2008 a daw i rym ar 2 Hydref 2008.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(3) Yn y Gorchymyn hwn ystyr "y Ddeddf" ("*the Act*") yw Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996.

Uchafswm y grant ar gyfer cyfleusterau i'r anabl

2. Pan fo raid i awdurdod tai lleol gymeradwyo cais am grant ar gyfer cyfleusterau i'r anabl yn rhinwedd adran 23(1) o'r Ddeddf (grantiau: dibenion y mae'n rhaid rhoi grant ar eu cyfer neu ddibenion y caniateir rhoi grant ar eu cyfer), £36,000 yw'r uchafswm y caiff yr awdurdod ei dalu o ran y cais.

(1) 1996 p. 53.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan 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). Yn rhinwedd paragraffau 30 a 32 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32) mae'r swyddogaethau a oedd gynt yn arferadwy gan Gynulliad Cenedlaethol Cymru yn arferadwy bellach gan Weinidogion Cymru.

2008 No. 2370 (W.205)

HOUSING, WALES

**The Disabled Facilities Grants
(Maximum Amounts and
Additional Purposes) (Wales)
Order 2008**

Made 6 September 2008
*Laid before the National
Assembly for Wales* 9 September 2008
Coming into force 2 October 2008

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by sections 23(1)(l), 33 and 146 of the Housing Grants, Construction and Regeneration Act 1996(1), and now vested in them (2), make the following Order:

Title, commencement, application and interpretation

1.—(1) The title of this Order is The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (Wales) Order 2008 and it comes into force on 2 October 2008.

(2) This Order applies in relation to Wales.

(3) In this Order "the Act" ("*y Ddeddf*") means the Housing Grants, Construction and Regeneration Act 1996.

Maximum amount of disabled facilities grant

2. Where a local housing authority must approve an application for disabled facilities grant by virtue of section 23(1) of the Act (grants: purposes for which grant must or may be given), the maximum amount which the authority may pay in respect of the application is £36,000.

(1) 1996 c. 53.

(2) The functions of the Secretary of State under the Housing Grants, Construction and Regeneration Act 1996 were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32) the functions formerly exercisable by the National Assembly for Wales are now exercisable by the Welsh Ministers.

Dibenion y caniateir rhoi grant ar eu cyfer

3.—(1) Yn ddarostyngedig i ddarpariaethau Pennod 1 o Ran 1 o'r Ddeddf, rhaid cymeradwyo cais am grant ar gyfer cyfleusterau i'r anabl pan fo'r cais yn gais at ddiben a bennir ym mharagraff (2).

(2) Dyma'r dibenion—

- (a) hwyluso mynediad i ardd ac o ardd gan feddiannydd anabl(1); neu
- (b) gwneud mynediad i ardd yn ddiogel i feddiannydd anabl.

(3) At ddibenion paragraff (2) ystyr "gardd" yw gardd sy'n perthyn i annedd neu a fwynheir fel arfer ynghyd ag annedd(2), carafán(3) neu fflat(4) a feddiennir gan feddiannydd anabl ac mae'n cynnwys—

- (i) balconi sy'n cyffinio ag annedd meddiannydd anabl;
- (ii) buarth, tŷ allan neu atodyn arall o fewn ffiniau'r tir lle y mae annedd neu garafán meddiannydd anabl wedi ei leoli ac sy'n perthyn iddo neu a fwynheir fel arfer gydag ef;
- (iii) buarth, tŷ allan, neu atodyn arall o fewn ffiniau'r tir lle y mae'r adeilad y mae annedd neu, yn ôl y digwydd, fflat meddiannydd anabl wedi ei leoli ac sy'n perthyn iddo neu a fwynheir fel arfer gydag ef; a
- (iv) y tir cyfagos i angorfa cwch preswyl cymwys y meddiannydd anabl(5).

(4) Os ym marn yr awdurdod tai lleol y mae'r gwaith perthnasol yn fwy neu lai helaeth na'r hyn sy'n angenrheidiol i gyflawni diben a osodir ym mharagraff (2), caiff, gyda chydysniad y ceisydd, drin y cais fel petai wedi ei amrywio fel bod y gwaith perthnasol yn gyfyngedig i'r gwaith hwnnw sydd ym marn yr awdurdod tai lleol yn angenrheidiol at y diben hwnnw neu yn cynnwys y cyfryw waith.

(5) Yn yr erthygl hon ystyr "ceisydd" yw'r person sy'n gwneud y cais am grant o dan Bennod 1 o Ran 1 o'r Ddeddf.

Purposes for which grant may be given

3.—(1) Subject to the provisions of Chapter 1 of Part 1 of the Act, an application for a disabled facilities grant must be approved where the application is for a purpose specified in paragraph (2).

(2) The purposes are—

- (a) facilitating access to and from a garden by a disabled occupant(1); or
- (b) making access to a garden safe for a disabled occupant.

(3) For the purposes of paragraph (2) "garden" means a garden belonging to, or usually enjoyed with, a dwelling(2), caravan(3) or flat(4) occupied by a disabled occupant and includes—

- (i) a balcony adjoining the dwelling of a disabled occupant;
- (ii) a yard, outhouse or other appurtenance within the boundaries of the land in which the dwelling or caravan of a disabled occupant is situated and belonging to it or usually enjoyed with it;
- (iii) a yard, outhouse or other appurtenance within the boundaries of the land in which is situated the building in which the dwelling or, as the case may be, flat, of a disabled occupant is situated and belonging to it or usually enjoyed with it; and
- (iv) the land adjacent to the mooring of a disabled occupant's qualifying houseboat(5).

(4) If in the opinion of the local housing authority the relevant works are more or less extensive than is necessary to achieve a purpose set out in paragraph (2), it may, with the consent of the applicant, treat the application as varied so that the relevant works are limited to or, as the case may be, include such works as seem to the local housing authority to be necessary for that purpose.

(5) In this article "applicant" means the person making the application for a grant under Chapter 1 of Part 1 of the Act.

(1) Am ystyr "meddiannydd anabl" gweler "disabled occupant" yn adran 20 o'r Ddeddf.

(2) Am ystyr "annedd" gweler "dwelling" yn adran 101 o'r Ddeddf.

(3) Am ystyr "carafán" gweler "caravan" yn adran 58 o'r Ddeddf.

(4) Am ystyr "fflat" gweler "flat" yn adran 58 o'r Ddeddf.

(5) Am ystyr "cwch preswyl cymwys" gweler "qualifying houseboat" yn adran 58 o'r Ddeddf.

(1) For the meaning of "disabled occupant" see section 20 of the Act.

(2) For the meaning of "dwelling" see section 101 of the Act.

(3) For the meaning of "caravan" see section 58 of the Act.

(4) For the meaning of "flat" see section 58 of the Act.

(5) For the meaning of "qualifying houseboat" see section 58 of the Act.

Darpariaethau sy'n peidio â bod yn effeithiol yng Nghymru

4. Mae erthyglau 2 a 3 o Orchymyn Grantiau Cyfleusterau i'r Anabl a Chymorth Trwsio Cartrefi (Uchafsymiau) 1996(1) yn peidio â bod yn effeithiol o ran Cymru.

Provisions ceasing to have effect in Wales

4. Articles 2 and 3 of the Disabled Facilities Grants and Home Repair Assistance (Maximum Amounts Order) 1996(1) cease to have effect in relation to Wales.

Jocelyn Davies

O dan awdurdod y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai, un o Weinidogion Cymru.

Under authority of the Minister for Environment, Sustainability and Housing, one of the Welsh Ministers.

6 Medi 2008

6 September 2008

(1) O.S. Rhif 1996/2888.

(1) S.I. No. 1996/2888.

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