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OFFERYNNAU STATUDOL  
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WELSH  
STATUTORY INSTRUMENTS

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**2010 Rhif 453 (Cy.49)**

**2010 No. 453 (W.49)**

**ARBED YNNI,  
CYMRU**

**ENERGY CONSERVATION,  
WALES**

Rheoliadau Cynlluniau  
Effeithlonrwydd Ynni Cartref  
(Cymru) (Diwygio) 2010

The Home Energy Efficiency  
Schemes (Wales) (Amendment)  
Regulations 2010

**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 Cynlluniau Effeithlonrwydd Ynni Cartref (Cymru) 2007 (O.S. 2007/375 (Cy. 35)). Mae Rheoliadau 2007 yn sefydlu dau gynllun grant: y Cynllun Effeithlonrwydd Ynni Cartref ("HEES") a'r Cynllun Effeithlonrwydd Ynni Cartref a Mwy ("HEES a Mwy"). Yn ychwanegol at fân ddiwygiadau, mae'r diwygiadau o sylwedd a ganlyn yn cael eu gwneud i Reoliadau 2007

These Regulations amend the Home Energy Efficiency Scheme (Wales) Regulations 2007 (S.I. 2007/375 (W. 35)). The 2007 Regulations establish two grant schemes: the Home Energy Efficiency Scheme ("HEES") and the Home Energy Efficiency Plus Scheme ("HEES Plus"). In addition to minor amendments, the following amendments of substance are made to the 2007 Regulations.

Mae rheoliad 4 yn diwygio'r diffiniad o "HEES" a "HEES a Mwy" fel bod y categorïau o weithfeydd sydd ar gael o dan bob Cynllun bellach wedi'u gosod yn y Rheoliadau; ac er mwyn i'r categorïau o weithfeydd y caniateir i grant gael ei dalu ar eu cyfer mewn amgylchiadau penodol gael eu hymestyn i gynnwys yr holl weithfeydd sy'n cael eu disgrifio yn Rheoliadau 2007. Bydd y categorïau gweithfeydd estynedig ar gael o dan HEES a HEES a Mwy os yw'r annedd sy'n destun cais gweithfeydd mewn perchnogaeth breifat neu'n cael ei rhentu'n breifat ac os yw'r asiantaeth ardal wedi'i bodloni y cyfrifwyd, gan ddefnyddio'r fethodoleg a gymeradwywyd gan yr Ysgrifennydd Gwladol o dan Reoliadau Adeiladu 2000 (O.S. 2000/2531), fod gan yr annedd gyfraddiad perfformiad ynni isel; hynny yw, cyfraddiad ased o 38 neu lai.

Regulation 4 amends the definition of "HEES" and "HEES Plus" so that the categories of works available under each Scheme are now set out in the Regulations; and so that the categories of works in respect of which grant can be paid in certain circumstances, is extended to include all of the works described in the 2007 Regulations. The extended categories of works will be available under HEES and HEES Plus if the dwelling which is the subject of a works application is privately owned or privately rented and if the area agency is satisfied that, using the methodology approved by the Secretary of State under the Building Regulations 2000 (S.I. 2000/2531), the dwelling is calculated to have a low energy performance rating; that is to say, an asset rating of 38 or less.

Mae rheoliad 6 yn ychwanegu inswleiddio waliau solet at y disgrifiad o weithfeydd y caniateir i grant gael ei dalu ar eu cyfer. Mae rheoliad 6 hefyd yn diwygio rheoliad 6 o Reoliadau 2007 fel bod modd, os oes cais am grant wedi'i gymeradwyo ar gyfer unrhyw un o'r prif weithfeydd a ddisgrifir yn rheoliad 6(1), cymeradwyo grant hefyd ar gyfer mân weithfeydd

Regulation 6 adds solid wall insulation to the description of works for which grant can be paid. Regulation 6 also amends regulation 6 of the 2007 Regulations so that where a grant application has been approved for any of the main works described in regulation 6(1), a grant can also be approved for additional minor works to reduce or prevent the

ychwanegol i leihau neu atal gwastraff ynni mewn annedd. I fod yn gymwys am y grant rhaid bod y mân weithfeydd o fath y mae'r asiantaeth ardal o'r farn eu bod yn ymarferol, yn gost-effeithiol ac yn rhesymol o dan amgylchiadau'r achos penodol dan sylw.

Mae rheoliad 7 yn diwygio rheoliad 7 o Reoliadau 2007, sy'n ymdrin ag uchafswm y grant sydd ar gael o dan y cynlluniau. Effaith y diwygiad yw rhagnodi mai £12,000 yw uchafswm y grant y caniateir ei roi ar gyfer unrhyw un annedd. Dim ond ar gyfer annedd sydd mewn perchnogaeth breifat neu sy'n cael ei rhentu'n breifat y mae'r uchafswm grant newydd yn gymwys ac os yw'r asiantaeth ardal yn fodlon y cyfrifwyd, gan ddefnyddio'r fethodoleg a gymeradwywyd gan yr Ysgrifennydd Gwladol o dan Reoliadau Adeiladu 2000 (O.S. 2000/2531), fod gan yr annedd gyfraddiad perfformiad ynni sy'n wael; hynny yw, cyfraddiad ased o 38 neu lai.

Mae rheoliad 8 yn gwneud darpariaeth drosiannol fel bod y diwygiadau sy'n cael eu gwneud gan y Rheoliadau hyn yn gymwys i gais am grant sy'n cael ei wneud cyn y dyddiad y daw'r Rheoliadau hyn i rym, os yw'r penderfyniad i gymeradwyo'r cais o dan sylw neu i'w wrthod i fod i gael ei wneud ar ôl y dyddiad hwnnw.

wastage of energy in a dwelling. To be eligible for grant, the minor works must be such that the area agency considers them to be practicable, cost-effective and reasonable in the circumstance of the particular case in question.

Regulation 7 amends regulation 7 of the 2007 Regulations, which deals with the maximum amount of grant available under the schemes. The effect of the amendment is to prescribe £12,000 as the maximum amount of grant which can be made in respect of any one dwelling. The new grant maximum applies only in respect of a dwelling which is privately owned or privately rented and if the area agency is satisfied that, using the methodology approved by the Secretary of State under the Building Regulations 2000 (S.I. 2000/2531), the dwelling is calculated to have an energy performance rating which is poor; that is to say, an asset rating of 38 or less.

Regulation 8 makes transitional provision so that the amendments made by these Regulations apply to a grant application made before the date on which these Regulations come into force, if the decision to approve or reject the application in question falls to be made after that date.

**2010 Rhif 453 (Cy.49)**

**ARBED YNNI,  
CYMRU**

**Rheoliadau Cynlluniau  
Effeithlonrwydd Ynni Cartref  
(Cymru) (Diwygio) 2010**

*Gwnaed* 24 Chwefror 2010  
*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 26 Chwefror 2010  
*Yn dod i rym* 22 Mawrth 2010

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pŵer a roddwyd i'r Ysgrifennydd Gwladol gan adran 15 o Ddeddf Nawdd Cymdeithasol 1990(1), sydd bellach yn arferadwy ganddynt hwy o ran Cymru(2).

**Enwi, cychwyn, cymhwyso a dehongli**

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynlluniau Effeithlonrwydd Ynni Cartref (Cymru) (Diwygio) 2010.

(2) Daw'r Rheoliadau hyn i rym ar 22 Mawrth 2010 ac maent yn gymwys o ran Cymru.

(3) Yn y Rheoliadau hyn, ystyr "y prif Rheoliadau" ("*the principal Regulations*") yw Rheoliadau Cynlluniau Effeithlonrwydd Ynni Cartref (Cymru) 2007(3).

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(1) 1990 p. 27; diwygiwyd adran 15 gan adran 142 o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996 (p. 53).

(2) Cyfarwyddodd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) fod y swyddogaethau o dan adran 15 i fod yn arferadwy o ran Cymru gan Gynulliad Cenedlaethol Cymru yr un pryd â'r Ysgrifennydd Gwladol. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi (p. 32), mae'r swyddogaethau hynny'n arferadwy bellach gan Weinidogion Cymru o ran Cymru.

(3) O.S. 2007 Rhif 375 (Cy. 35).

**2010 No. 453 (W.49)**

**ENERGY CONSERVATION,  
WALES**

**The Home Energy Efficiency  
Schemes (Wales) (Amendment)  
Regulations 2010**

*Made* 24 February 2010  
*Laid before the National Assembly  
for Wales* 26 February 2010  
*Coming into force* 22 March 2010

The Welsh Ministers, make the following Regulations in exercise of the power conferred on the Secretary of state by section 15 of the Social Security Act 1990(1), which is now exercisable by them in relation to Wales(2).

**Title commencement, application and interpretation**

1.–(1) The title of these Regulations is the Home Energy Efficiency Schemes (Wales) (Amendment) Regulations 2010.

(2) These Regulations come into force on 22 March 2010 and apply in relation to Wales.

(3) In these Regulations, "the principal Regulations" ("*y prif Reoliadau*") means the Home Energy Efficiency Schemes (Wales) Regulations 2007(3).

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(1) 1990 c. 27; section 15 was amended by section 142 of the Housing Grants, Construction and Regeneration Act 1996 (c. 53).

(2) The National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) directed that the functions under section 15 were to be exercisable in relation to Wales by the National Assembly for Wales concurrently with the Secretary of State. By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), those functions are now exercisable by the Welsh Ministers in relation to Wales.

(3) S.I. 2007 No. 375 (W. 35).

## Diwygio'r prif Reoliadau

2. Diwygir y prif Reoliadau yn unol â rheoliadau 3 i 7.

## Diwygio rheoliad 2 (dehongli)

3.–(1) Yn rheoliad 2 hepgorer y diffiniad o "HEES" a'r diffiniad o "HEES a Mwy".

(2) Yn rheoliad 2, yn y manau priodol, mewnosoder y diffiniadau canlynol–

"ystyr "Rheoliadau 2007" ("*the 2007 Regulations*") yw Rheoliadau Perfformiad Ynni Adeiladau (Tystysgrifau ac Arolygiadau) (Cymru a Lloegr) 2007 (O.S. 2007 Rhif 991);";

"mae i "cyfraddiad ased" yr ystyr a roddir i "asset rating" yn rheoliad 2(1) o Reoliadau 2007;"

## Ychwanegu rheoliad 2A newydd

4. Ar ôl rheoliad 2 mewnosoder–

"2A Ystyr "HEES" a "HEES a Mwy"

(1) Yn ddarostyngedig i baragraff (3), ystyr "HEES" ("*HEES*") yw darparu gweithfeydd a ddisgrifir yn rheoliad 6(1)(a) i (f).

(2) Yn ddarostyngedig i baragraff (3), ystyr "HEES a Mwy" ("*HEES Plus*") yw darparu gweithfeydd a ddisgrifir yn rheoliad 6(1)(a) i (h).

(3) Yn achos annedd–

- (a) sydd mewn perchnogaeth breifat neu sy'n cael ei rhentu'n breifat; a
- (b) y mae'r asiantaeth ardal yn fodlon bod y cyfraddiad ased ar ei chyfer yn 38 neu lai,

ystyr "HEES" ("*HEES*") yw darparu gweithfeydd a ddisgrifir yn rheoliad 6(1); ac ystyr "HEES a Mwy" ("*HEES Plus*") yw darparu gweithfeydd a ddisgrifir yn rheoliad 6(1).

## Diwygio rheoliad 5 (personau a gaiff wneud cais am grant)

5.–(1) Yn rheoliad 5(1)(c) ac (ch), yn lle "£15,460" rhodder "£16,040".

(2) Yn lle rheoliad 5(4)(ch) rhodder–

"(ch) pensiwn anabledd rhyfel fel y'i diffinnir gan adran 159B(6) o Ddeddf Gweinyddu Nawdd Cymdeithasol 1992 neu bensiwn am anabledd o dan Ran II o Orchymyn Pensiynau Lluoedd Arfog y Llynges, y Fyddin a'r Llu Awyr etc. (Anabledd a Marwolaeth) 2006, neu unrhyw ddyfarniad o bensiwn anabledd rhyfel y mae ei effaith yn parhau yn rhinwedd Atodlen 4, paragraff 8 i'r Gorchymyn hwnnw ynghyd ag–

## Amendment of the principal Regulations

2. The principal Regulations are amended in accordance with regulations 3 to 7.

## Amendment of regulation 2 (interpretation)

3.–(1) In regulation 2 omit the definition of "HEES" and the definition of "HEES Plus".

(2) In regulation 2, in the appropriate places, insert the following definitions–

"the 2007 Regulations" ("*Rheoliadau 2007*") means the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 (S.I. 2007 No. 991);";

"asset rating" ("*cyfraddiad ased*") has the meaning given in regulation 2(1) of the 2007 Regulations;"

## Addition of new regulation 2A

4. After regulation 2 insert–

"2A Meaning of "HEES" and "HEES Plus"

(1) Subject to paragraph (3), "HEES" ("*HEES*") means the provision of works described in regulation 6(1)(a) to (h).

(2) Subject to paragraph (3), "HEES Plus" ("*HEES a Mwy*") means the provision of works described in regulation 6(1)(a) to (l).

(3) In the case of a dwelling–

- (a) which is privately owned or privately rented; and
- (b) in respect of which the area agency is satisfied that the asset rating is 38 or less,

"HEES" ("*HEES*") means the provision of works described in regulation 6(1); and "HEES Plus" ("*HEES a Mwy*") means the provision of works described in regulation 6(1).

## Amendment of regulation 5 (persons who may apply for a grant)

5.–(1) In regulation 5(1)(c) and (d), for "£15,460" substitute "£16,040".

(2) For regulation 5(4)(d) substitute–

"(d) a war disablement pension as defined by section 159B(6) of the Social Security Administration Act 1992 or a pension for disablement under Part II of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006, or any award of war disablement pension which continues to have effect by virtue of Schedule 4, paragraph 8 to that Order, together with–

- (i) tâl atodol o ran symudedd o dan erthygl 20 o Orchymyn Pensiynau Lluoedd Arfog y Llynges, y Fyddin a'r Llu Awyr etc. (Anabledd a Marwolaeth) 2006 (gan gynnwys y cyfryw dâl atodol sy'n daladwy yn rhinwedd cymhwysu'r erthygl honno gan unrhyw gynllun neu orchymyn arall) neu o dan Erthygl 25A o Gynllun Anafiadau Personol (Dinasyddion Preifat) 1983 (gan gynnwys yr erthygl honno fel y'i cymhwysir gan erthygl 48A o'r cynllun hwnnw), neu daliad a fwriedir fel iawndal am fethiant i dalu tâl atodol o'r fath; neu
- (ii) taliad o dan reoliadau a wnaed o dan baragraff 7(2)(b) o Atodlen 8 i Ddeddf 1992 (lwfans gweini cyson).

- (i) a mobility supplement under article 20 of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006 (including such a supplement payable by virtue of the application of that article by any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 (including that article as applied by article 48A of that Scheme), or a payment intended to compensate for the non payment of such a supplement; or
- (ii) a payment under regulations made under paragraph 7(2)(b) of Schedule 8 to the 1992 Act (constant attendance allowance).

**Diwygio rheoliad 6 (y dibenion y caniateir cymeradwyo grant ar eu cyfer)**

- 6.–(1) Yn rheoliad 6(1)–
- (a) ar ddiwedd is-baragraff (i), yn lle ".", rhodder ".,".
  - (b) ar ôl is-baragraff (i) mewnosoder–
- "(j) darparu inswleiddiad waliau solet."
- (2) Yn rheoliad 6(2)–
- (a) ar ddiwedd is-baragraff (b), yn lle ".", rhodder ".,".
  - (b) ar ôl is-baragraff (b) mewnosoder–
- "(c) y fath fân weithfeydd at ddibenion–
- (a) gwella inswleiddiad thermol annedd; neu
  - (b) lleihau neu atal fel arall wastraff ynni mewn annedd,
- sydd ym marn yr asiantaeth ardal mewn unrhyw achos penodol yn ymarferol, yn gost-effeithiol ac yn rhesymol o dan yr amgylchiadau."

**Diwygio rheoliad 7 (uchafswm y grant)**

- 7.–(1) Yn rheoliad 7(1) yn lle "Ni chaiff asiantaeth ardal", rhodder–
- "Yn ddarostyngedig i baragraff (1A), ni chaiff asiantaeth ardal"
- (2) Ar ôl rheoliad 7(1) mewnosoder–
- "(1A) Yn achos cais gweithfeydd o dan HEES neu HEES a Mwy sy'n cyfeirio at annedd o'r math a ddisgrifir yn rheoliad 2A(3), uchafswm y grant y caniateir ei dalu ar gyfer unrhyw un annedd o'r fath yw £12,000."

**Amendment of regulation 6 (purposes for which a grant may be approved)**

- 6.–(1) In regulation 6(1)–
- (a) at the end of sub-paragraph (m), for ".", substitute ".,".
  - (b) after sub-paragraph (m) insert–
- "(n) to provide solid wall insulation.
- (2) In regulation 6(2)–
- (a) at the end of sub-paragraph (b), for ".", substitute ".,".
  - (b) after sub-paragraph (b) insert–
- "(c) such minor works for the purposes of–
- (a) improving the thermal insulation of a dwelling; or
  - (b) otherwise reducing or preventing the wastage of energy in a dwelling,
- as the area agency considers in any particular case to be practicable, cost-effective and reasonable in the circumstances."

**Amendment of regulation 7 (maximum amount of grant)**

- 7.–(1) In regulation 7(1) for "An area agency may", substitute–
- "Subject to paragraph (1A), an area agency may".
- (2) After regulation 7(1) insert–
- "(1A) In the case of a works application under HEES or HEES Plus which relates to a dwelling of the type described in regulation 2A(3), the maximum amount of grant which may be made in respect of any one such dwelling is £12,000."

(3) Yn rheoliad 7(3) yn lle "baragraffau (1) a (2)" rhodder "baragraffau (1) i (2)".

### **Darpariaeth drosiannol**

8. Mae'r diwygiadau a wneir gan y Rheoliadau hyn yn gymwys i gais gweithfeydd a wneir cyn y dyddiad y daw'r Rheoliadau hyn i rym, os yw'r penderfyniad i gymeradwyo'r cais hwnnw neu i'w wrthod i fod i gael ei wneud ar ôl y dyddiad hwnnw.

(3) In regulation 7(3) for "paragraphs (1) and (2)" substitute "paragraphs (1) to (2)".

### **Transitional provision**

8. The amendments made by these Regulations apply to a works application made before the date on which these Regulations come into force, where the decision to approve or reject that application falls to be made after that date.

*Jane Davidson*

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai, un o Weinidogion Cymru

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

24 Chwefror 2010

24 February 2010

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