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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2013 Rhif 552 (Cy.62)**

**2013 No. 552 (W.62)**

**TAI, CYMRU**

**HOUSING, WALES**

Rheoliadau Grantiau Adnewyddu  
Tai (Diwygio) (Cymru)  
2013

The Housing Renewal Grants  
(Amendment) (Wales) Regulations  
2013

**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 ymhellach (o ran Cymru) Reoliadau Grantiau Adnewyddu Tai 1996 (O.S. 1996/2890) ("y prif Reoliadau"), a osododd y prawf modd i benderfynu swm y grant y caniateir i awdurdodau tai lleol ei dalu o dan Bennod 1 o Ran 1 o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996.

These Regulations further amend (in relation to Wales) the Housing Renewal Grants Regulations 1996 (S.I. 1996/2890) ("the principal Regulations"), which set out the means test for determining the amount of grant which may be paid by local housing authorities under Chapter 1 of Part 1 of the Housing Grants, Construction and Regeneration Act 1996.

Mae Deddf Diwygio Lles 2012 ("Deddf 2012") yn gwneud newidiadau sylweddol i'r system budd-daliadau lles gyfredol.

The Welfare Reform Act 2012 ("the 2012 Act") makes substantive changes to the current welfare benefits system.

Mae adran 33 o Ddeddf 2012 yn diddymu Budd-dal y Dreth Gyngor, a ddisodlir yng Nghymru gan Gynlluniau Gostyngiadau'r Dreth Gyngor a wneir gan awdurdodau lleol neu, os ydynt yn methu, gan Weinidogion Cymru.

Section 33 of the 2012 Act abolishes Council Tax Benefit, which is replaced, in Wales, by Council Tax Reduction Schemes made by local authorities or, in default, by the Welsh Ministers.

Cyflwynna Rhan 4 o Ddeddf 2012 Daliad Annibyniaeth Bersonol, sy'n disodli'r Lwfans Byw i'r Anabl, mewn perthynas â phersonau rhwng 16 a 64 mlwydd oed.

Part 4 of the 2012 Act introduces Personal Independence Payment, which replaces Disability Living Allowance, in respect of persons between the ages of 16 and 64.

Mae'r diwygiadau i'r prif Reoliadau yn gweithredu'r newidiadau hyn.

Amendments to the principal Regulations effect these changes.

**2013 Rhif 552 (Cy.62)**

**TAI, CYMRU**

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

*Gwnaed* 11 Mawrth 2013

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 11 Mawrth 2013

*Yn dod i rym* 1 Ebrill 2013

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 30 a 146 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) 2013 a deuant i rym ar 1 Ebrill 2013.

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

**Diwygiadau i Reoliadau Grantiau Adnewyddu Tai  
1996**

2.—(1) Mae Rheoliadau Grantiau Adnewyddu Tai 1996(4) wedi eu diwygio yn unol â pharagraffau (2) i (9).

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(1) 1996 p.53.

(2) Trosglwyddwyd pwerau'r Ysgrifennydd Gwladol o dan adrannau 30 a 146 o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996 i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ac Atodlen 1 iddo (O.S. 1999/672).

(3) Trosglwyddwyd pwerau Cynulliad Cenedlaethol Cymru o dan adrannau 30 a 146 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).

(4) O.S. 1996/2890.

**2013 No. 552 (W.62)**

**HOUSING, WALES**

**The Housing Renewal Grants  
(Amendment) (Wales) Regulations  
2013**

*Made* 11 March 2013

*Laid before the National  
Assembly for Wales* 11 March 2013

*Coming into force* 1 April 2013

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by sections 30 and 146 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) Regulations 2013 and they come into force on 1 April 2013.

(2) These Regulations apply in relation to Wales.

**Amendments to the Housing Renewal Grants  
Regulations 1996**

2.—(1) The Housing Renewal Grants Regulations 1996(4) are amended in accordance with paragraphs (2) to (9).

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(1) 1996 c.53.

(2) Powers of the Secretary of State under sections 30 and 146 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 and 146 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).

(4) S.I. 1996/2890.

- (2) Yn rheoliad 2(1)(1) (dehongli)—
- (a) hepgorer y diffiniad o "council tax benefit"; a
  - (b) yn y manau priodol yn nhrefn yr wyddor mewnosoder—

""the 2012 Act" means the Welfare Reform Act 2012;"

""council tax reduction scheme" means a scheme made by a local authority in accordance with the Council Tax Reduction Scheme and Prescribed Requirements (Wales) Regulations 2012 or which applies in default in accordance with paragraph 6(1)(e) of Schedule 1B to the Local Government Finance Act 1992;" a

""personal independence payment" means a personal independence payment under Part 4 of the 2012 Act;"

- (3) Yn rheoliad 10 (y swm sy'n gymwys)—
- (a) hepgorer paragraff (3)(a)(i);
  - (b) hepgorer "or" ar ddiwedd paragraff (3)(a)(iv); ac
  - (c) ar ôl paragraff (3)(a)(v) mewnosoder—  
"or  
(vi) a reduction in payment of council tax under a council tax reduction scheme."

- (4) Yn rheoliad 19 (trin taliadau gofal plant)—
- (a) ar ôl paragraff (3)(d)(vii)(2) mewnosoder—  
"(viii) personal independence payment;"
  - (b) hepgorer "or" ar ddiwedd paragraff (3)(f);
  - (c) ar ôl paragraff (3)(g) mewnosoder—  
"; or  
(h) personal independence payment would be payable but for regulations under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act";
  - (d) hepgorer "or" ar ddiwedd paragraff (8)(b)(ii); ac
  - (e) ar ôl paragraff (8)(b)(iii) mewnosoder—  
"; or  
(iv) in respect of whom personal independence payment is payable, or would be payable but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act".

- (2) In regulation 2(1)(1) (interpretation)—
- (a) omit the definition of "council tax benefit"; and
  - (b) at the appropriate places in alphabetical order insert—

""the 2012 Act" means the Welfare Reform Act 2012;"

""council tax reduction scheme" means a scheme made by a local authority in accordance with the Council Tax Reduction Scheme and Prescribed Requirements (Wales) Regulations 2012 or which applies in default in accordance with paragraph 6(1)(e) of Schedule 1B to the Local Government Finance Act 1992;" and

""personal independence payment" means a personal independence payment under Part 4 of the 2012 Act;"

- (3) In regulation 10 (the applicable amount)—
- (a) omit paragraph (3)(a)(i);
  - (b) omit "or" at the end of sub-paragraph (3)(a)(iv); and
  - (c) after sub-paragraph (3)(a)(v) insert—  
"or  
(vi) a reduction in payment of council tax under a council tax reduction scheme."

- (4) In regulation 19 (treatment of child care charges)—
- (a) after paragraph (3)(d)(vii)(2) insert—  
“(viii) personal independence payment;”;
  - (b) omit "or" at the end of paragraph (3)(f);
  - (c) after paragraph (3)(g) insert—  
“; or  
(h) personal independence payment would be payable but for regulations under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act”;
  - (d) omit "or" at the end of paragraph (8)(b)(ii); and
  - (e) after paragraph (8)(b)(iii) insert—  
“; or  
(iv) in respect of whom personal independence payment is payable, or would be payable but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act”.

(1) Mae diwygiadau i reoliad 2(1) nad ydynt yn berthnasol i'r Rheoliadau hyn.

(2) Mae diwygiad i reoliad 19(3) nad yw'n berthnasol i'r Rheoliadau hyn.

(1) There are amendments to regulation 2(1) not relevant to these Regulations.

(2) There is an amendment to regulation 19(3) not relevant to these Regulations.

(5) Yn Atodlen 1 (symiau sy'n gymwys)—

- (a) ym mharagraff 12 (amod ychwanegol ar gyfer y premiwm pensiynwr uwch a'r premiwm anabled), ar ôl is-baragraff (1)(a)(v) mewnosoder—

"(vi) is in receipt of personal independence payment or would be so in receipt but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act; or";

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

- (i) yn is-baragraff (2)(a)(i) yn lle "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" rhodder ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with section 78(3) of the 2012 Act";

- (ii) yn is-baragraff (2)(b)(i) yn lle "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" rhodder ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with section 78(3) of the 2012 Act";

- (iii) yn is-baragraff (2)(b)(ii) ar ôl "allowance" mewnosoder "or payment" ym mhob man lle y mae'n ymddangos;

- (iv) ar ôl is-baragraff (4)(b)(1) mewnosoder—  
"; or

- (c) the daily living component of personal independence payment, if that person would be so in receipt but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act"; a

- (v) ar ôl is-baragraff (5)(b) mewnosoder—  
"; or

- (c) a person receiving the daily living component of personal independence payment";

(5) In Schedule 1 (applicable amounts)—

- (a) in paragraph 12 (additional condition for the higher pensioner and disability premiums), after sub-paragraph (1)(a)(v) insert—

“(vi) is in receipt of personal independence payment or would be so in receipt but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act; or”;

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

- (i) in sub-paragraph (2)(a)(i) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with section 78(3) of the 2012 Act";

- (ii) in sub-paragraph (2)(b)(i) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with section 78(3) of the 2012 Act";

- (iii) in sub-paragraph (2)(b)(ii) after "allowance" in each place it appears insert "or payment";

- (iv) after sub-paragraph (4)(b)(1) insert—  
“; or

- (c) the daily living component of personal independence payment, that person would be so in receipt but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act”; and

- (v) after sub-paragraph (5)(b) insert—  
“; or

- (c) a person receiving the daily living component of personal independence payment”;

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(1) Mae diwygiad i baragraff 13(4)(b) nad yw'n berthnasol i'r Rheoliadau hyn.

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(1) There is an amendment to paragraph 13(4)(b) not relevant to these Regulations.

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

”; or

(c) the daily living component of personal independence payment is payable, or would be payable, at the enhanced rate prescribed under section 78(2) of the 2012 Act but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act”;

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

”; or

(d) is a young person who is in receipt of personal independence payment or who would be in so receipt but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act, provided that the young person continues to be a member of the family”; ac

(e) ym mharagraff 15 (premiwm gofalwr), yn is-baragraff (2)(b)(2) yn lle "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" rhodder ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with section 78(3) of the 2012 Act".

(6) 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 hwnnw)(3)—

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

(i) yn is-baragraff (2)(a)(i) yn lle "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" rhodder ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal

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

“; or

(c) the daily living component of personal independence payment is payable, or would be payable, at the enhanced rate prescribed under section 78(2) of the 2012 Act but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act”;

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

“; or

(d) is a young person who is in receipt of personal independence payment or who would be in so receipt but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act, provided that the young person continues to be a member of the family”; and

(e) in paragraph 15 (carer premium), in sub-paragraph (2)(b)(2) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with section 78(3) of the 2012 Act".

(6) 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) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal

(1) Mewnosodwyd paragraff 13A mewn perthynas â Chymru gan O.S. 2001/2073.

(2) Diwygiwyd paragraff 15(2) mewn perthynas â Chymru gan O.S. 2004/253.

(3) Mewnosodwyd Atodlen 1A mewn perthynas â Chymru gan O.S. 2006/2801.

(1) Paragraph 13A was inserted in relation to Wales by S.I. 2001/2073.

(2) Paragraph 15(2) was amended in relation to Wales by S.I. 2004/253.

(3) Schedule 1A was inserted in relation to Wales by S.I. 2006/2801.



independence payment at the standard or enhanced rate prescribed in accordance with section 78(3) of the 2012 Act";

- (ii) yn is-baragraff (2)(b)(i) yn lle "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" rhodder ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with section 78(3) of the 2012 Act";

- (iii) yn is-baragraff (2)(b)(ii) ar ôl "allowance" mewnosoder "or payment" ym mhob man lle y mae'n ymddangos; a

- (iv) ar ôl is-baragraff (5)(b) mewnosoder—  
"; or

- (c) a person receiving the daily living component of personal independence payment prescribed in accordance with section 78 of the 2012 Act at the standard or enhanced rate, if that person would be so in receipt but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act;";

- (b) yn lle paragraff 8 (uwch bremiwm anabled) rhodder—

"8. The condition is that—

- (a) the care component of disability living allowance is, or would be, payable at the highest rate prescribed under section 72(3) of the 1992 Act, but for a suspension of benefit in accordance with regulations under section 113(2) of the 1992 Act or but for an abatement as a consequence of hospitalisation; or

- (b) the daily living component of personal independence payment is, or would be payable at the enhanced rate under section 78(2) of the 2012 Act, but for regulations under section 85 (care home residents) or section 86(1) (hospital in-patients) of that Act,

in respect of a child or young person who is a member of the relevant person's family."; ac

- (c) ym mharagraff 9 (premiwm plentyn anabl) ar ôl is-baragraff (1)(c) mewnosoder—

"; or

- (d) is a young person who is in receipt of personal independence payment or who would be so in receipt but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-

independence payment at the standard or enhanced rate prescribed in accordance with section 78(3) of the 2012 Act";

- (ii) in sub-paragraph (2)(b)(i) for "or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act" substitute ", the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with section 78(3) of the 2012 Act";

- (iii) in sub-paragraph (2)(b)(ii) after "allowance" in each place it appears insert "or payment"; and

- (iv) after sub-paragraph (5)(b) insert—  
“; or

- (c) a person receiving the daily living component of personal independence payment prescribed in accordance with section 78 of the 2012 Act at the standard or enhanced rate, if that person would be so in receipt but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-patients) of the 2012 Act;”;

- (b) for paragraph 8 (enhanced disability premium) substitute—

“8. The condition is that—

- (a) the care component of disability living allowance is, or would be, payable at the highest rate prescribed under section 72(3) of the 1992 Act , but for a suspension of benefit in accordance with regulations under section 113(2) of the 1992 Act or but for an abatement as a consequence of hospitalisation; or

- (b) the daily living component of personal independence payment is, or would be payable at the enhanced rate under section 78(2) of the 2012 Act, but for regulations under section 85 (care home residents) or section 86(1) (hospital in-patients) of that Act,

in respect of a child or young person who is a member of the relevant person's family.”; and

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

“; or

- (d) is a young person who is in receipt of personal independence payment or who would be so in receipt but for regulations made under section 85 (care home residents) or section 86(1) (hospital in-

patients) of the 2012 Act, provided that the young person continues to be a member of the family."

(7) Ym mharagraff 12(a) o Atodlen 2 (symiau i'w diystyru wrth benderfynu enillion)—

- (a) hepgorer y geiriau "council tax benefit";
- (b) hepgorer "or" ar ôl "income-related employment and support allowance"; ac
- (c) ar ôl "income support" mewnosoder ", or a payment made under a council tax reduction scheme".

(8) Yn Atodlen 3 (symiau i'w diystyru wrth benderfynu incwm ac eithrio enillion)—

- (a) ym mharagraff 4(a)—
  - (i) hepgorer y geiriau "council tax benefit";
  - (ii) hepgorer "or" ar ôl "income-related employment and support allowance"; ac
  - (iii) ar ôl "income support" mewnosoder ", or a payment made under a council tax reduction scheme";
- (b) ym mharagraff 5, ar ôl "disability living allowance" mewnosoder "or personal independence payment"; ac
- (c) hepgorer paragraff 49.

(9) Yn Atodlen 4 (cyfalaf i'w ddiystyru)—

- (a) ym mharagraff 6(a)—
  - (i) hepgorer y geiriau "council tax benefit";
  - (ii) hepgorer "or" ar ôl "income-related employment and support allowance"; a
  - (iii) ar ôl "income support" mewnosoder ", or a payment made under a council tax reduction scheme";
- (b) hepgorer paragraff 45.

patients) of the 2012 Act, provided that the young person continues to be a member of the family."

(7) In paragraph 12(a) of Schedule 2 (sums to be disregarded in the determination of earnings)—

- (a) omit the words "council tax benefit";
- (b) omit "or" after "income-related employment and support allowance"; and
- (c) after "income support" insert ", or a payment made under a council tax reduction scheme".

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

- (a) in paragraph 4(a)—
  - (i) omit the words "council tax benefit";
  - (ii) omit "or" after "income-related employment and support allowance"; and
  - (iii) after "income support" insert ", or a payment made under a council tax reduction scheme";
- (b) in paragraph 5, after "disability living allowance" insert "or personal independence payment"; and
- (c) omit paragraph 49.

(9) In Schedule 4 (capital to be disregarded)—

- (a) in paragraph 6(a)—
  - (i) omit the words "council tax benefit";
  - (ii) omit "or" after "income-related employment and support allowance"; and
  - (iii) after "income support" insert ", or a payment made under a council tax reduction scheme";
- (b) omit paragraph 45.

*Huw Lewis*

Y Gweinidog Tai, Adfywio a Threftadaeth, un o Weinidogion Cymru

11 Mawrth 2013

Minister for Housing, Regeneration and Heritage, one of the Welsh Ministers

11 March 2013

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