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2024 Rhif 339 (Cy. 63)

2024 No. 339 (W. 63)

ARBED YNNI, CYMRU

ENERGY CONSERVATION, WALES

Rheoliadau Cynlluniau Effeithlonrwydd Ynni Cartref (Cymru) (Diwygio) 2024

The Home Energy Efficiency Schemes (Wales) (Amendment) Regulations 2024

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cynlluniau Effeithlonrwydd Ynni Cartref (Cymru) 2011 (O.S. 2011/656) (Cy. 94) ("y prif Reoliadau") ac maent wedi eu gwneud gan Weinidogion Cymru drwy arfer eu pwerau o dan adran 15 o Ddeddf Nawdd Cymdeithasol 1990 (p. 27).

Mae rheoliad 3 yn diwygio'r diffiniadau yn y prif Reoliadau. Mae'n ychwanegu diffiniadau newydd ar gyfer "adroddiad aelwydydd islaw'r incwm cyfartalog", "aelwyd incwm is" a "meini prawf cymhwystra iechyd". Mae hefyd yn diwygio'r diffiniad o "budd-daliad sy'n dibynnu ar brawf modd" i gynnwys "lwfans ceisio gwaith yn seiliedig ar incwm".

Mae rheoliad 5 yn diwygio'r meini prawf cymhwystra ar gyfer ceisiadau gweithfeydd o dan y prif Reoliadau. Mae'n estyn cymhwystra i geiswyr o aelwyd incwm is a, phan fo'r ceisydd yn cael budd-daliadau sy'n dibynnu ar brawf modd neu pan fo o aelwyd incwm is, i anheddau sydd â dosbarthiad ased o 68 neu lai (dosbarthiad tystysgrif perfformiad ynni o D neu lai) pan fo'r ceisydd neu feddiannydd ar yr annedd yn bodloni'r meini prawf cymhwystra iechyd. Mae hefyd yn diwygio'r prif Reoliadau fel y gellir gwneud mwy nag un cais gweithfeydd llwyddiannus mewn perthynas ag annedd.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Home Energy Efficiency Schemes (Wales) Regulations 2011 (S.I. 2011/656) (W. 94) ("the principal Regulations") and are made by the Welsh Ministers in exercise of their powers under section 15 of the Social Security Act 1990 (c. 27).

Regulation 3 amends the definitions in the principal Regulations. It adds new definitions for "health eligibility criteria", "households below average income report" and "lower income household". It also amends the definition of "means-tested benefits" to include "income-based jobseeker's allowance".

Regulation 5 amends the eligibility criteria for works applications under the principal Regulations. It extends eligibility to applicants from a lower income household and, where the applicant receives means-tested benefits or is from a lower income household, to dwellings with an asset rating of 68 or less (an energy performance certificate rating of D or less) where the applicant or an occupant of the dwelling satisfies the health eligibility criteria. It also amends the principal Regulations to enable more than one successful works application to be made in relation to a dwelling.

Mae rheoliad 6 yn cywiro gwall drafftio yn y prif Reoliadau.

Mae rheoliad 7 yn gwneud darpariaeth drosiannol mewn cysylltiad â cheisiadau gweithfeydd a wnaed ond na phenderfynwyd arnynt eto neu a wnaed ac a gymeradwywyd cyn i'r Rheoliadau hyn ddod i rym.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. Lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar www.llyw.cymru.

Regulation 6 corrects a drafting error in the principal Regulations.

Regulation 7 makes transitional provision in respect of works applications made but not yet determined or made and approved prior to the coming into force of these Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. A regulatory impact assessment has been prepared on the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

2024 Rhif 339 (Cy. 63)

ARBED YNNI, CYMRU

Rheoliadau Cynlluniau Effeithlonrwydd Ynni Cartref (Cymru) (Diwygio) 2024

Gwnaed	*8 Mawrth 2024*
Gosodwyd gerbron Senedd Cymru	*11 Mawrth 2024*
Yn dod i rym	*1 Ebrill 2024*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adran 15(1) o Ddeddf Nawdd Cymdeithasol 1990(**1**).

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynlluniau Effeithlonrwydd Ynni Cartref (Cymru) (Diwygio) 2024.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2024.

(**1**) 1990 p. 27. Diwygiwyd adran 15 o Ddeddf Nawdd Cymdeithasol 1990 gan adran 142 o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996 (p. 53). Darparodd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) fod y swyddogaethau o dan adran 15 o Ddeddf Nawdd Cymdeithasol 1990 i fod yn arferadwy o ran Cymru gan Gynulliad Cenedlaethol Cymru yn gydredol â'r Ysgrifennydd Gwladol ac yn rhydd rhag y gofyniad am gydsyniad y Trysorlys. Trosglwyddwyd pwerau Cynulliad Cenedlaethol Cymru o dan adran 15(1) o Ddeddf Nawdd Cymdeithasol 1990 i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraff 30 o Atodlen 11 iddi. Mae paragraff 1 o Atodlen 3A i Ddeddf Llywodraeth Cymru 2006, fel y'i diwygiwyd gan baragraff 1 o Atodlen 4 i Ddeddf Cymru 2017 (p. 4), yn darparu bod swyddogaethau'r Ysgrifennydd Gwladol o dan adran 15 o Ddeddf Nawdd Cymdeithasol 1990 yn arferadwy gan Weinidogion Cymru yn gydredol ac yn rhydd rhag unrhyw ofyniad am gydsyniad y Trysorlys.

2024 No. 339 (W. 63)

ENERGY CONSERVATION, WALES

The Home Energy Efficiency Schemes (Wales) (Amendment) Regulations 2024

Made	*8 March 2024*
Laid before Senedd Cymru	*11 March 2024*
Coming into force	*1 April 2024*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 15(1) of the Social Security Act 1990(**1**).

Title and coming into force

1.—(1) The title of these Regulations is the Home Energy Efficiency Schemes (Wales) (Amendment) Regulations 2024.

(2) These Regulations come into force on 1 April 2024.

(**1**) 1990 c. 27. Section 15 of the Social Security Act 1990 was amended by section 142 of the Housing Grants, Construction and Regeneration Act 1996 (c. 53). The National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) provided that the functions under section 15 of the Social Security Act 1990 were to be exercisable in relation to Wales by the National Assembly for Wales concurrently with the Secretary of State and free from the requirement for Treasury consent. The powers of the National Assembly for Wales under section 15(1) of the Social Security Act 1990 were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). Paragraph 1 of Schedule 3A to the Government of Wales Act 2006, as amended by paragraph 1 of Schedule 4 to the Wales Act 2017 (c. 4), provides that the functions of the Secretary of State under section 15 of the Social Security Act 1990 are exercisable concurrently by the Welsh Ministers free from any requirement for Treasury consent.

Dehongli

2. Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" ("*the principal Regulations*") yw Rheoliadau Cynlluniau Effeithlonrwydd Ynni Cartref (Cymru) 2011(**1**).

Diwygio'r prif Reoliadau

3. Mae'r prif Reoliadau wedi eu diwygio yn unol â rheoliadau 4 i 6.

Diwygio rheoliad 2 (dehongli)

4. Yn rheoliad 2—

(a) yn y man priodol yn nhrefn yr wyddor, mewnosoder—

"ystyr "adroddiad aelwydydd islaw'r incwm cyfartalog" ("*households below average income report*") yw'r data a gyhoeddir o bryd i'w gilydd gan yr Ysgrifennydd Gwladol ar incymau aelwydydd ac unigolion o dan adran 4 o Ddeddf Diwygio Lles a Gwaith 2016(**2**);

ystyr "aelwyd incwm is" ("*lower income household*") yw aelwyd sydd ag incwm net, ac eithrio unrhyw incwm o fudd-daliadau neu daliadau sy'n gysylltiedig ag anabledd, sy'n llai na 60% o incwm cyfwerthedig net canolrifol aelwydydd cyn costau tai yn seiliedig ar y data diweddaraf a gyhoeddwyd yn yr adroddiad aelwydydd islaw'r incwm cyfartalog;

ystyr "meini prawf cymhwystra iechyd" ("*health eligibility criteria*") yw person sy'n byw â chyflwr anadlol cronig, cyflwr cylchrediad y gwaed cronig neu gyflwr iechyd meddwl cronig;";

(b) yn y diffiniad o "budd-daliad sy'n dibynnu ar brawf modd"—

(i) ym mharagraff (e), ar y diwedd hepgorer "ac";

(ii) ym mharagraff (f), ar y diwedd mewnosoder "ac";

Interpretation

2. In these Regulations, "the principal Regulations" (*"y prif Reoliadau"*) means the Home Energy Efficiency Schemes (Wales) Regulations 2011(**1**).

Amendment to the principal Regulations

3. The principal Regulations are amended in accordance with regulations 4 to 6.

Amendment of regulation 2 (interpretation)

4. In regulation 2—

(a) at the appropriate place in alphabetical order, insert—

""health eligibility criteria" ("*meini prawf cymhwystra iechyd*") means a person living with a chronic respiratory, circulatory or mental health condition;"

"households below average income report" ("*adroddiad aelwydydd islaw'r incwm cyfartalog*") means the data published from time to time by the Secretary of State on household and individual incomes under section 4 of the Welfare Reform and Work Act 2016(**2**).

"lower income household" ("*aelwyd incwm is*") means a household with a net income, excluding any income from disability related benefits or payments, that is less than 60% of the median equivalised net household income before housing costs based on the most recent published data in the households below average income report;";

(b) in the definition of "means-tested benefit"—

(i) in paragraph (e), at the end omit "and";

(ii) in paragraph (f), at the end insert "and";

(**1**) O.S. 2011/656 (Cy. 94). Diwygiwyd y prif Reoliadau gan O.S. 2013/2843 (Cy. 270) ac O.S. 2018/319 (Cy. 60).

(**2**) 2016 p. 7. Cyhoeddir cyfres yr adroddiad aelwydydd islaw'r incwm cyfartalog ar-lein yn Households below average income (HBAI) statistics - GOV.UK (www.gov.uk) a gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

(**1**) S.I. 2011/656 (W. 94). The principal Regulations were amended by S.I. 2013/2843 (W. 270) and S.I. 2018/319 (W. 60).

(**2**) 2016 c. 7. The households below average income report series is published online at Households below average income (HBAI) statistics - GOV.UK (www.gov.uk) and a copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

(iii) ar ôl paragraff (f), mewnosoder—

"(g) lwfans ceisio gwaith yn seiliedig ar incwm (fel y diffinnir "income-based jobseeker's allowance" yn adran 1(4) o Ddeddf Ceiswyr Gwaith 1995(**1**));".

Diwygio rheoliad 5 (meini prawf cymhwystra)

5. Yn rheoliad 5—

(a) ym mharagraff (2)—

(i) yn lle is-baragraff (b) rhodder—

"(b) os yw'r ceisydd yn feddiannydd ar yr annedd ac—

(i) mae'n cael budd-daliad sy'n dibynnu ar brawf modd, neu

(ii) mae o aelwyd incwm is; ac";

(ii) yn lle is-baragraff (c) rhodder—

"(c) os yw'r asiantaeth ardal wedi ei bodloni bod dosbarthiad ased yr annedd—

(i) yn 54 neu lai, neu

(ii) yn 68 neu lai pan fo'r ceisydd neu feddiannydd ar yr annedd yn bodloni'r meini prawf cymhwystra iechyd.";

(b) hepgorer paragraff (3A).

Diwygio rheoliad 9 (amodau grant)

6. Yn rheoliad 9(1)(a)(ii), yn lle "baragraff (2)(a) o'r Rheoliad hwn" rhodder "is-baragraff (i)".

Darpariaethau trosiannol

7. Mae'r prif Reoliadau fel yr oeddent mewn grym yn union cyn 1 Ebrill 2024 yn parhau i fod yn gymwys ar ac ar ôl y dyddiad hwnnw mewn cysylltiad â chais gweithfeydd a wnaed ond na phenderfynwyd arno eto cyn y dyddiad hwnnw ac mewn perthynas â chais gweithfeydd a wnaed ac a gymeradwywyd cyn y dyddiad hwnnw.

(iii) after paragraph (f), insert—

"(g) income-based jobseeker's allowance (as defined in section 1(4) of the Jobseekers Act 1995(**1**));".

Amendment of regulation 5 (eligibility criteria)

5. In regulation 5—

(a) in paragraph (2)—

(i) for sub-paragraph (b) substitute—

"(b) the applicant is an occupant of the dwelling and is—

(i) in receipt of a means-tested benefit, or

(ii) from a lower income household; and";

(ii) for sub-paragraph (c) substitute—

"(c) the area agency is satisfied that the asset rating of the dwelling is—

(i) 54 or less, or

(ii) 68 or less where the applicant or an occupant of the dwelling fulfils the health eligibility criteria.";

(b) omit paragraph (3A).

Amendment of regulation 9 (conditions of grant)

6. In regulation 9(1)(a)(ii), for "paragraph (2)(a) of this Regulation" substitute "sub-paragraph (i)".

Transitional provisions

7. The principal Regulations as in force immediately before 1 April 2024 continue to apply on and after that date in respect of a works application made but not yet determined before that date and in relation to a works application made and approved before that date.

(**1**) 1995 p. 18. Diwygiwyd adran 1(4) gan adran 59 o Ddeddf Diwygio Lles a Phensiynau 1999 (p. 30) ac Atodlen 7 iddi. Mae diwygiadau eraill i'r adran hon, ond nid yw yr un ohonynt yn berthnasol at ddibenion y Rheoliadau hyn.

(**1**) 1995 c. 18. Section 1(4) was amended by section 59 and Schedule 7 to the Welfare Reform and Pensions Act 1999 (c. 30). There are other amendments to this section, but none are relevant for the purposes of these Regulations.

Julie James

Y Gweinidog Newid Hinsawdd, un o Weinidogion Cymru
8 Mawrth 2024

Minister for Climate Change, one of the Welsh Ministers
8 March 2024

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

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