



OFFERYNNAU STATUDOL CYMRU

2013 Rhif 3035 (Cy. 303)

TRETH GYNGOR, CYMRU

Rheoliadau Cynlluniau Gostyngiadau'r Dreth Gyngor
(Cynllun Diofyn) (Cymru) 2013

Gwnaed

27 Tachwedd 2013

Yn dod i rym ym unol â rheoliad 1(2)

DRAFT WELSH STATUTORY INSTRUMENTS

2013 No. 3035 (W. 303)

COUNCIL TAX, WALES

The Council Tax Reduction Schemes
(Default Scheme) (Wales) Regulations 2013

Made

27 November 2013

Coming into force in accordance with regulation 1(2)

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CYMRU

WELSH STATUTORY
INSTRUMENTS

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**Rheoliadau Cynlluniau
Gostyngiadau'r Dreth Gyngor
(Cynllun Diofyn) (Cymru) 2013**

**The Council Tax Reduction
Schemes (Default Scheme) (Wales)
Regulations 2013**

NODYN ESBONIADOL

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

Mae adran 13A o Ddeddf Cyllid Llywodraeth Leol 1992 ("Deddf 1992") yn galluogi Gweinidogion Cymru i wneud rheoliadau mewn cysylltiad â chynlluniau gostyngiadau'r dreth gyngor. Mae paragraff 6 o Atodlen 1B i Ddeddf 1992 yn galluogi Gweinidogion Cymru i ragnodi cynllun diofyn mewn rheoliadau. Bydd y cynllun diofyn yn cael effaith mewn perthynas ag anheddau yn ardal awdurdod bilio os yw'r awdurdod hwnnw'n methu â gwneud cynllun ei hunan, yn unol ag unrhyw ddyletswydd a osodir yn rhinwedd rheoliadau a wneir gan Weinidogion Cymru. Os nad fydd dyletswydd i gyflwyno cynllun yn rhinwedd rheoliadau a wneir gan Weinidogion Cymru, ni fydd y cynllun y darperir ar ei gyfer yn y rheoliadau hyn yn cael effaith.

Pennir y cynllun diofyn a ragnodir gan Weinidogion Cymru yn yr Atodlen i'r Rheoliadau hyn. Mae'r Rhannau 1 a 2 yn cynnwys darpariaethau rhagarweiniol a diffiniadau o eiriau ac ymadroddion allweddol. Mae Rhan 3 ac Atodlen 1 yn cynnwys y weithdrefn ar gyfer ceisiadau am ostyngiadau ac apelau. Yn Rhannau 4 a 5, yn eu trefn, pennir y dosbarthiadau o bersonau y mae hawl, neu nad oes hawl, ganddynt i gael gostyngiad o dan y cynllun.

Yn Rhannau 6 i 8 ac Atodlenni 2 a 3 nodir materion sy'n berthnasol i benderfynu ynghylch cymhwysra am ostyngiad a swm unrhyw ostyngiad o dan y cynllun.

Mae Rhan 9 ac Atodlenni 4 i 9 yn pennu'r modd y trinnir incwm a chyfalafal y ceisydd ac eraill wrth

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 13A of the Local Government Finance Act 1992 ("the 1992 Act"), enables the Welsh Ministers to make regulations in connection with council tax reduction schemes. Paragraph 6 of Schedule 1B to the 1992 Act enables the Welsh Ministers to prescribe by regulations a default scheme. The default scheme is to take effect, in respect of dwellings situated in the area of a billing authority, if the authority fails to make its own scheme in accordance with any duty imposed by virtue of regulations made by the Welsh Ministers. If there is no duty to introduce a scheme by virtue of regulations made by the Welsh Ministers, the scheme provided for within these regulations will not take effect.

The default scheme prescribed by the Welsh Ministers is set out in the Schedule to these Regulations. Parts 1 and 2 contain introductory provisions and definitions of key words and phrases. Part 3 and Schedule 1 contains the procedure for reduction applications and appeals. Parts 4 and 5 specify the classes of person entitled and not entitled to a reduction under the scheme, respectively.

Parts 6 to 8 and Schedules 2 and 3 set out matters relevant to determining eligibility for a reduction and the amount of reduction under the scheme.

Part 9 and Schedules 4 to 9 set out how income and capital of the applicant and others is treated in

gyfrifo cymhwysra am ostyngiad, gan gynnwys achosion pan fo gan y ceisydd bartner, neu pan fo ganddo ddyfarniad o gredyd cynhwysol. Yn Rhan 10, darperir ar gyfer cymhwyso'r cynllun i fyfyrwyr. Mae Rhan 11 yn darparu ar gyfer gostyngiadau estynedig mewn rhai amgylchiadau, a Rhan 12 yn pennu cyfnod yr hawlogaeth a'r modd y mae newid yn yr amgylchiadau yn effeithio ar unrhyw ostyngiad.

Mae Rhan 13 o'r cynllun yn darparu ar gyfer gwneud cais am ostyngiad. Mae Rhan 14 yn pennu o fewn pa gyfnod o amser y mae'n rhaid i awdurdod wneud penderfyniad ar y cais ac yn darparu ar gyfer rhoi hysbysiad o'r penderfyniad. Mae Rhan 15 yn gwneud darpariaeth ynglŷn â'r dyfarniad neu'r taliad o ostyngiad, ac Atodlen 11 yn pennu'r materion y mae'n rhaid eu cynnwys mewn hysbysiadau.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, paratowyd asesiad effaith rheoleiddiol o'r costau a'r buddiannau sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi o'r asesiad gan yr Is-adran Cyllid Llywodraeth Leol a Pherfformiad Gwasanaethau Cyhoeddus, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

calculating eligibility for a reduction, including in cases where an applicant or partner has an award of universal credit. Part 10 provides for the application of the scheme to students. Part 11 provides for extended reductions in certain circumstances and Part 12 sets out the period of entitlement and how a change in circumstances affects any reduction.

Part 13 of the scheme provides for the making of an application for a reduction. Part 14 sets out the time within which an authority must make its decision on the application and provides for notification of the decision. Part 15 makes provision about the award or payment of a reduction, and Schedule 11 sets out the matters which must be included within notifications.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Local Government Finance and Public Service Performance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

2013 Rhif 3035 (Cy. 303)

2013 No. 3035 (W. 303)

TRETH GYNGOR, CYMRU

COUNCIL TAX, WALES

**Rheoliadau Cynlluniau
Gostyngiadau'r Dreth Gyngor
(Cynllun Diofyn) (Cymru) 2013**

**The Council Tax Reduction
Schemes (Default Scheme) (Wales)
Regulations 2013**

Gwnaed 27 Tachwedd 2013

Made 27 November 2013

Yn dod i rym yn unol â rheoliad 1(2)

*Coming into force in accordance with
regulation 1(2)*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adran 13A(4)(c) a (5) o Ddeddf Cyllid Llywodraeth Leol 1992(1) a pharagraff 6 o Atodlen 1B i'r Ddeddf honno.

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon them by section 13A(4)(c) and (5) of, and paragraph 6 of Schedule 1B to, the Local Government Finance Act 1992(1):

Yn unol ag adran 13A(8) o'r Ddeddf honno, gosodwyd drafft o'r offeryn hwn gerbron Cynulliad Cenedlaethol Cymru, a chymeradwywyd ef drwy benderfyniad Cynulliad Cenedlaethol Cymru

In accordance with section 13A(8) of that Act, a draft of this instrument has been laid before and approved by a resolution of the National Assembly for Wales.

Enwi, cychwyn, cymhwyso a dirymu

Title, commencement, application and revocation

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynlluniau Gostyngiadau'r Dreth Gyngor (Cynllun Diofyn) (Cymru) 2013.

1.—(1) The title of these Regulations is the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013.

(2) Daw'r Rheoliadau hyn i rym drannoeth y diwrnod y'u gwneir.

(2) These Regulations come into force on the day after the day on which they are made.

(3) Mae'r Rheoliadau hyn yn gymwys o ran awdurdodau bilio yng Nghymru, a'r flwyddyn ariannol gyntaf y mae'r cynllun a bennir yn yr Atodlen i'r Rheoliadau hyn yn ymwneud â hi yw'r flwyddyn sy'n cychwyn ar 1 Ebrill 2014.

(3) These Regulations apply in relation to billing authorities in Wales, and the first financial year to which the scheme set out in the Schedule to these Regulations relates is the year beginning 1 April 2014.

(1) 1992 p.14. Amnewidiwyd adran 13A gan adran 10(1) o Ddeddf Cyllid Llywodraeth Leol 2012 (p.17), a mewnosodwyd Atodlen 1B gan adran 10(5) ac Atodlen 4 i'r Ddeddf honno.

(1) 1992 c.14. Section 13A was substituted by section 10(1) of the Local Government Finance Act 2012 (c.17), and Schedule 1B was inserted by section 10(5) and Schedule 4 to that Act.

(4) Mae Rheoliadau Cynlluniau Gostyngiadau'r Dreth Gyngor (Cynllun Diofyn) (Cymru) 2012(1) wedi eu dirymu.

(4) The Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2012(1) are revoked.

Cynllun diofyn

2. Y cynllun a bennir yn yr Atodlen i'r Rheoliadau hyn yw'r cynllun a ragnodir at ddibenion paragraff 6 o Atodlen 1B i Ddeddf Cyllid Llywodraeth Leol 1992.

Default scheme

2. The scheme set out in the Schedule to these Regulations is the scheme prescribed for the purposes of paragraph 6 of Schedule 1B to the Local Government Finance Act 1992.

Lesley Griffiths

Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth, un o Weinidogion Cymru

Minister for Local Government and Government Business, one of the Welsh Ministers

27 Tachwedd 2013

27 November 2013

(1) O.S. 2012/3145 (Cy.317).

(1) S.I. 2012/3145 (W.317).

YR ATODLEN

SCHEDULE

Rheoliad 2

Regulation 2

Cynlluniau Gostyngiadau'r Dreth
Gyngor (Cynllun Diofyn) (Cymru)

Council Tax Reduction Schemes
(Default Scheme) (Wales)

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| 92. Gostyngiadau estynedig: personau nad ydynt yn bensiynwyr (cyffredinol) | 92. Extended reductions: persons who are not pensioners (general) |
| 93. Gostyngiadau estynedig: personau nad ydynt yn bensiynwyr | 93. Extended reductions: persons who are not pensioners |
| 94. Parhad y cyfnod gostyngiad estynedig: personau nad ydynt yn bensiynwyr | 94. Duration of extended reduction period: persons who are not pensioners |
| 95. Swm y gostyngiad estynedig: personau nad ydynt yn bensiynwyr | 95. Amount of extended reduction: persons who are not pensioners |
| 96. Gostyngiadau estynedig – symudwyr: personau nad ydynt yn bensiynwyr | 96. Extended reductions-movers: persons who are not pensioners |
| 97. Y berthynas rhwng gostyngiad estynedig a hawlogaeth i ostyngiad treth gyngor yn rhinwedd perthyn i ddsbarth C neu D | 97. Relationship between extended reduction and entitlement to reduction by virtue of falling within class C or D |
| 98. Gostyngiadau estynedig (budd-daliadau cyfrannol cymwys): personau nad ydynt yn bensiynwyr | 98. Extended reductions (qualifying contributory benefits): persons who are not pensioners |
| 99. Parhad y cyfnod gostyngiad estynedig (budd-daliadau cyfrannol cymwys): personau nad ydynt yn bensiynwyr | 99. Duration of extended reduction period (qualifying contributory benefits): persons who are not pensioners |
| 100. Swm y gostyngiad estynedig (budd-daliadau cyfrannol cymwys): personau nad ydynt yn bensiynwyr | 100. Amount of extended reduction (qualifying contributory benefits): persons who are not pensioners |
| 101. Gostyngiadau estynedig (budd-daliadau cyfrannol cymwys)– symudwyr: personau nad ydynt yn bensiynwyr | 101. Extended reductions (qualifying contributory benefits)-movers: persons who are not pensioners |
| 102. Y berthynas rhwng gostyngiad estynedig (budd-daliadau cyfrannol cymwys) a hawlogaeth i ostyngiad yn rhinwedd perthyn i ddsbarth C neu D | 102. Relationship between extended reduction (qualifying contributory benefits) and entitlement to reduction by virtue of falling within class C or D |
| 103. Gostyngiadau estynedig: symudwyr i mewn i ardal awdurdod: personau nad ydynt yn bensiynwyr | 103. Extended reductions: movers into the authority's area: persons who are not pensioners |

RHAN 12

Cyfnod yr hawlogaeth a newid yn yr amgylchiadau

- 104. Y dyddiad pan fo hawlogaeth yn dechrau
- 105. Y dyddiad pan fo newid yn yr amgylchiadau yn cael effaith
- 106. Newid yn yr amgylchiadau pan delir credyd pensiwn y wladwriaeth

RHAN 13

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- 108. Y dyddiad pan wneir cais
- 109. Ôl-ddyddio ceisiadau: pensiynwyr
- 110. Ôl-ddyddio ceisiadau: personau nad ydynt yn bensiynwyr
- 111. Tystiolaeth a gwybodaeth
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RHAN 14

Penderfyniadau gan awdurdod

- 114. Penderfyniad gan awdurdod
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RHAN 15

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- 116. Dyfarniad neu daliad o ostyngiad o dan y cynllun hwn

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- Atodlen 1 — Materion gweithdrefnol
- Atodlen 2 — Symiau cymwysadwy: pensiynwyr
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- Atodlen 4 — Symiau a ddiystyrir o enillion y ceisydd: pensiynwyr

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Period of entitlement and change of circumstances

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Atodlen 6 — Symiau a ddiystyrir wrth gyfrifo enillion: personau nad ydynt yn bensïynwyr	Schedule 6 — Sums disregarded in the calculation of earnings: persons who are not pensioners
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Atodlen 10 — Materion sydd i’w cynnwys mewn hysbysiad	Schedule 10 — Matters to be included in the notification

RHAN 1

Rhagarweiniol

Enwi

1. Enw’r cynllun hwn yw Cynlluniau Gostyngiadau’r Dreth Gyngor (Cynllun Diofyn) (Cymru).

RHAN 2

Dehongli

Dehongli

2.—(1) Yn y cynllun hwn—

ystyr “Deddf 1992” (*“the 1992 Act”*) yw Deddf Cyllid Llywodraeth Leol 1992;

ystyr “Cartref Abbeyfield” (*“Abbeyfield Home”*) yw sefydliad sy’n cael ei redeg gan Gymdeithas Abbeyfield gan gynnwys pob corff corfforaethol neu anghorfforaethol sydd â chyswllt â’r gymdeithas honno;

ystyr “absenoldeb mabwysiadu” (*“adoption leave”*) yw cyfnod o absenoldeb cyffredin neu absenoldeb ychwanegol o’r gwaith yn yr ystyron a roddir, yn eu trefn, i “ordinary adoption leave” neu “additional adoption leave” yn rhinwedd

PART 1

Introduction

Title

1. The title of this scheme is the Council Tax Reduction Schemes (Default Scheme) (Wales).

PART 2

Interpretation

Interpretation

2.—(1) In this scheme—

“the 1992 Act” (*“Deddf 1992”*) means the Local Government Finance Act 1992;

“Abbeyfield Home” (*“Cartref Abbeyfield”*) means an establishment run by the Abbeyfield Society including all bodies corporate or unincorporated which are affiliated to that society;

“adoption leave” (*“absenoldeb mabwysiadu”*) means a period of absence from work on ordinary or additional adoption leave by virtue

adran 75A neu 75B o Ddeddf Hawliau Cyflogaeth 1996(1);

ystyr “TALIA” (“AFIP”) yw taliad annibyniaeth y lluoedd arfog sy’n daladwy yn unol â chynllun ar gyfer digolledu’r lluoedd arfog a’r lluoedd wrth gefn, a sefydlwyd o dan adran 1(2) o Ddeddf y Lluoedd Arfog (Pensiynau a Digolledu) 2004(2);

ystyr “swm cymwysadwy” (“*applicable amount*”) yw—

- (a) mewn perthynas â phensiynwr, y swm a gyfrifir yn unol â pharagraff 23 ac Atodlen 2; a
- (b) mewn perthynas â pherson nad yw’n bensiynwr, y swm a gyfrifir yn unol ag—

- (i) paragraff 24 ac Atodlen 3; neu

- (ii) paragraff 26,

yn ôl fel y digwydd;

ystyr “ceisydd” (“*applicant*”) yw person sy’n gwneud cais am ostyngiad o dan y cynllun hwn;

ystyr “cais” (“*application*”) yw cais am ostyngiad o dan y cynllun hwn;

ystyr “cyfnod asesu” (“*assessment period*”) yw’r cyfnod a benderfynir—

- (a) mewn perthynas â phensiynwr—
 - (i) mewn perthynas ag enillion enillydd hunangyflogedig, yn unol â pharagraff 40 o’r cynllun hwn at y diben o gyfrifo enillion wythnosol y ceisydd; neu
 - (ii) mewn perthynas ag unrhyw incwm arall, yn unol â pharagraff 37 o’r cynllun hwn at y diben o gyfrifo incwm wythnosol y ceisydd;
- (b) mewn perthynas â phersonau nad ydynt yn bensiynwr, y cyfryw gyfnod a bennir ym mharagraffau 44 i 46 o’r cynllun hwn ar gyfer cyfrifo incwm;

ystyr “lwfans gweini” (“*attendance allowance*”) yw—

- (a) lwfans gweini o dan Ran 3 o DCBNC(3);
- (b) cynnydd mewn pensiwn anabledd o dan adran 104 neu 105 o DCBNC;

of section 75A or 75B of the Employment Rights Act 1996(1);

“AFIP” (“TALIA”) means an armed forces independence payment payable in accordance with an armed and reserve forces compensation scheme established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004(2);

“applicable amount” (“*swm cymwysadwy*”) means—

- (a) in relation to a pensioner, the amount calculated in accordance with paragraph 23 and Schedule 2; and
- (b) in relation to a person who is not a pensioner, the amount calculated in accordance with—

- (i) paragraph 24 and Schedule 3; or

- (ii) paragraph 26,

as the case may be;

“applicant” (“*ceisydd*”) means a person applying for a reduction under this scheme;

“application” (“*cais*”) means an application for a reduction under this scheme;

“assessment period” (“*cyfnod asesu*”) means—

- (a) in relation to pensioners—
 - (i) in relation to the earnings of a self-employed earner, the period determined in accordance with paragraph 40 of this scheme for the purpose of calculating the weekly earnings of the applicant; or
 - (ii) in relation to any other income, the period determined in accordance with paragraph 37 of this scheme for the purpose of calculating the weekly income of the applicant;
- (b) in relation to persons who are not pensioners, such period as is set out in paragraphs 44 to 46 of this scheme over which income falls to be calculated;

“attendance allowance” (“*lwfans gweini*”) means—

- (a) an attendance allowance under Part 3 of the SSCBA(3);
- (b) an increase of disablement pension under section 104 or 105 of the SSCBA;

(1) 1996 p.18. Mewnosodwyd adrannau 75A a 75B gan adran 3 o Ddeddf Cyflogaeth 2002 (p.22) a diwygiwyd hwy gan baragraffau 33 a 34 o Atodlen 1 i Ddeddf Gwaith a Theuluoedd 2006 (p.18)

(2) 2004 p.32.

(3) 1992 p.4. *Gweler* adrannau 64 i 67 o’r Ddeddf honno mewn perthynas â lwfans gweini.

(1) 1996 c.18. Sections 75A and 75B were inserted by section 3 of the Employment Act 2002 (c.22) and amended by the Work and Families Act 2006 (c.18), Schedule 1, paragraphs 33 and 34.

(2) 2004 c.32.

(3) 1992 c.4. *See* sections 64 and 67 of that Act in relation to attendance allowance.

- (c) taliad yn rhinwedd erthygl 14, 15, 16, 43 neu 44 o Gynllun Anafiadau Personol (Sifiliaid) 1983(1) neu unrhyw daliad cyfatebol; neu
- (d) unrhyw daliad sy'n seiliedig ar yr angen am weini, a delir fel rhan o bensiwn anabled rhwyfel;

ystyr “yr awdurdod” (“*the authority*”) yw awdurdod bilio y mae'r cynllun hwn yn cael effaith mewn perthynas â'i ardal;

mae i “cyfradd sylfaenol” yr ystyr a roddir i “basic rate” gan Ddeddf Treth Incwm 2007(2);

ystyr “y Deddfau budd-dal” (“*the benefit Acts*”) yw DCBNC, Deddf Ceiswyr Gwaith 1995(3), Deddf Credyd Pensiwn y Wladwriaeth 2002(4) a Deddf Diwygio Lles 2007(5);

ystyr “prydau bwyd a llety” (“*board and lodging accommodation*”) yw llety a ddarperir i berson, neu, os yw'r person hwnnw'n aelod o deulu, i'r person hwnnw neu i unrhyw aelod arall o'i deulu, am dâl sy'n cynnwys darparu'r llety hwnnw ac o leiaf rai prydau bwyd wedi eu coginio neu'u paratoi, a bod y prydau bwyd hynny hefyd yn cael eu coginio neu'u paratoi (gan berson ac eithrio'r person y darperir y llety iddo neu aelod o'i deulu) ac yn cael eu bwyta yn y llety hwnnw neu fangre gysylltiedig;

mae i “cartref gofal” (“*care home*”) yr ystyr a roddir i “care home” gan adran 3 o Ddeddf Safonau Gofal 2000(6) ac yn yr Alban, yr ystyr a roddir i “care home service” gan baragraff 2 o Atodlen 12 i Ddeddf Diwygio Gwasanaethau Cyhoeddus (Yr Alban) 2010(7) ac yng Ngogledd Iwerddon, yr ystyr a roddir i “nursing home” gan Erthygl 11 o Orchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Ansawdd, Gwella a Rheoleiddio) (Gogledd Iwerddon) 2003(8) neu'r ystyr a roddir i “residential care home” gan Erthygl 10 o'r Gorchymyn hwnnw;

ystyr “Sefydliad Caxton” (“*the Caxton Foundation*”) yw'r ymddiriedolaeth elusennol sydd â'r enw hwnnw, a sefydlwyd ar 28 Mawrth 2011 gyda chyllid a ddarparwyd gan yr

- (c) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983(1) or any analogous payment; or

- (d) any payment based on need for attendance which is paid as part of a war disablement pension;

“the authority” (“*yr awdurdod*”) means a billing authority in relation to whose area this scheme has effect;

“basic rate” (“*cyfradd sylfaenol*”) has the meaning given by the Income Tax Act 2007(2);

“the benefit Acts” (“*y Deddfau budd-dal*”) means the SSCBA, the Jobseekers Act 1995(3), the State Pension Credit Act 2002(4) and the Welfare Reform Act 2007(5);

“board and lodging accommodation” (“*prydau bwyd a llety*”) means accommodation provided to a person, or if that person is a member of a family, to that person or any other member of that person's family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of that person's family) and are consumed in that accommodation or associated premises;

“care home” (“*cartref gofal*”) has the meaning given by section 3 of the Care Standards Act 2000(6) and in Scotland means a care home service within the meaning given by paragraph 2 of Schedule 12 to the Public Services Reform (Scotland) Act 2010(7) and in Northern Ireland means a nursing home within the meaning of Article 11 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(8) or a residential residential care home within the meaning of Article 10 of that Order;

“the Caxton Foundation” (“*sefydliad Caxton*”) means the charitable trust of that name established on 28 March 2011 out of funds

(1) O.S. 1983/686, yr offerynnau diwygio perthnasol yw O.S. 1984/1675, 2001/420.

(2) 2007 (p.3); mae adran 989 yn diffinio “basic rate” gan gyfeirio at adran 6(2) o'r Ddeddf honno. Diwygiwyd adran 6(2) gan adran 5 o Ddeddf Cyllid 2008 (p.9) ac adran 6 o Ddeddf Cyllid 2009 (p.10) a pharagraffau 1 a 2 o Ran 1 o Atodlen 2 i'r Ddeddf honno.

(3) 1995 p.18.

(4) 2002 p.16.

(5) 2007 p.5.

(6) 2000 p.14; diwygiwyd adran 3 gan baragraffau 1 a 4 o Atodlen 5 i Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p.14).

(7) 2010 dsa 8.

(8) O.S. 2003/431 (G.I. 9).

(1) S.I. 1983/686, relevant amending instruments are S.I. 1984/1675, 2001/420.

(2) 2007 c.3. Section 989 defines “basic rate” by reference to section 6(2) of that Act. Section 6(2) was amended by section 5 of the Finance Act 2008 (c.9) and section 6 of, and paragraphs 1 and 2 of Part 1 of Schedule 2 to, the Finance Act 2009 (c.10).

(3) 1995 c.18.

(4) 2002 c.16.

(5) 2007 c.5.

(6) 2000 c.14. Section 3 was amended by paragraphs 1 and 4 of Schedule 5 to, the Health and Social Care Act 2008, (c.14).

(7) 2010 asp 8.

(8) S.I. 2003/431 (N.I. 9).

Ysgrifennydd Gwladol er budd personau penodol sy'n dioddef o hepatitis C a phersonau eraill sy'n gymwys i gael taliadau yn unol â'i darpariaethau;

ystyr “plentyn” (“*child*”) yw person sydd o dan 16 oed;

mae i “budd-dal plant” yr ystyr a roddir i “child benefit” gan adran 141 o DCBNC(1);

ystyr “credyd treth plant” (“*child tax credit*”) yw credyd treth plant o dan adran 8 o Ddeddf Credydau Treth 2002(2);

ystyr “perthynas agos” (“*close relative*”) yw rhiant, rhiant-yng-nghyfraith, mab, mab-yng-nghyfraith, merch, merch-yng-nghyfraith, llysrant, llysfab, llysfarch, brawd, chwaer neu, os yw unrhyw un o'r personau blaenorol yn un aelod o gwpl, yr aelod arall o'r cwpl hwnnw;

ystyr “taliad consesiynol” (“*concessionary payment*”) yw taliad a wneir o dan drefniadau a wnaed gan yr Ysgrifennydd Gwladol gyda chydysyniad y Trysorlys, a godir naill ai ar y Gronfa Yswiriant Gwladol neu ar Bleidlais Gwariant Adrannol y codir arni fudd-daliadau neu daliadau credyd treth o dan y Deddfau budd-dal neu Ddeddf Credydau Treth 2002(3);

ystyr “lwfans cyflogaeth a chymorth cyfrannol” (“*contributory employment and support allowance*”) yw lwfans cyfrannol o dan Ran 1 o Ddeddf Diwygio Lles 2007(4);

ystyr “budd-dal treth gyngor” (“*council tax benefit*”) yw budd-dal treth gyngor o dan Ran 7 o DCBNC;

mae i “cwpl” (“*couple*”) yr ystyr a roddir gan baragraff 4 o'r cynllun hwn;

ystyr “swyddfa ddynodedig” (“*designated office*”) yw swyddfa awdurdod, a ddynodwyd ganddo ar gyfer cael ceisiadau—

- (a) drwy hysbysiad ar, neu ynghyd â, ffurflen a gyflenwyd gan yr awdurdod at y diben o wneud cais; neu
- (b) drwy gyfeiriad, ar neu ynghyd â ffurflen o'r fath, at ryw ddogfen arall sydd ar gael gan yr awdurdod ac a anfonwyd drwy ddull electronig neu fel arall pan ofynnwyd amdani, a hynny yn ddi-dâl; neu

provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;

“child” (“*plentyn*”) means a person under the age of 16;

“child benefit” (“*budd-dal plant*”) has the meaning given by section 141 of the SSCBA(1);

“child tax credit” (“*credyd treth plant*”) means a child tax credit under section 8 of the Tax Credits Act 2002(2);

“close relative” (“*perthynas agos*”) means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or if any of the preceding persons is one member of a couple, the other member of that couple;

“concessionary payment” (“*taliad consesiynol*”) means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit or tax credits under the benefit Acts or the Tax Credits Act 2002(3) are charged;

“contributory employment and support allowance” (“*lwfans cyflogaeth a chymorth cyfrannol*”) means a contributory allowance under Part 1 of the Welfare Reform Act 2007(4); 2007(4);

“council tax benefit” (“*budd-dal treth gyngor*”) means council tax benefit under Part 7 of the SSCBA;

“couple” (“*cwpl*”) has the meaning given by paragraph 4 of this scheme;

“designated office” (“*swyddfa ddynodedig*”) means the office of the authority designated by it for the receipt of applications—

- (a) by notice upon or with a form supplied by the authority for the purposes of making an application; or
- (b) by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application and without charge; or

(1) Diwygiwyd adran 141 gan adran 1 o Ddeddf Budd-dal Plant 2005 (p.6).

(2) 2002 p.21; diddymwyd adran 8 gan adran 147 o Ddeddf Diwygio Lles 2012 (p.5) a Rhan 1 o Atodlen 14 i'r Ddeddf honno, ond nid yw'r darpariaethau hynny eto mewn grym.

(3) 2002 p.21.

(4) 2007 p.5; mae Rhan 1 yn ymwneud â'r lwfans cyflogaeth a chymorth, a rhoddir cyfeiriadau at y diwygiadau perthnasol.

(1) Section 141 was amended by section 1 of the Child Benefit Act 2005 (c.6).

(2) 2002 c.21; section 8 is repealed by section 147 of, and Part 1 of Schedule 14 to, the Welfare Reform Act 2012 (c.5), but those provisions are not yet in force.

(3) 2002 c.21.

(4) 2007 c.5; Part 1 concerns employment and support allowance, amendments are referenced where relevant.

(c) drwy unrhyw gyfuniad o'r darpariaethau a bennir ym mharagraffau (a) a (b);

ystyr "lwfans byw i'r anabl" ("*disability living allowance*") yw lwfans byw i'r anabl o dan adran 71 o DCBNC(1);

mae i "annedd" yr ystyr a roddir i "dwelling" gan adran 3 o Ddeddf 1992;

mae i "enillion" ("*earnings*") yr ystyr a roddir gan baragraff 38, 40, 41, 48 neu 50 o'r cynllun hwn, yn ôl fel y digwydd;

"*Ymddiriedolaeth Eileen*" ("*the Eileen Trust*") yw'r ymddiriedolaeth elusennol sydd â'r enw hwnnw, a sefydlwyd ar 29 Mawrth 1993 gyda chyllid a ddarparwyd gan yr Ysgrifennydd Gwladol er budd personau sy'n gymwys i gael taliadau yn unol â'i darpariaethau;

mae i "cyfathrebiad electronig" yr un ystyr a roddir i "electronic communication" yn adran 15(1) o Ddeddf Cyfathrebiadau Electronig 2000(2);

mae "enillydd cyflogedig" i'w ddehongli yn unol â'r ystyr a roddir i "employed earner" yn adran 2(1)(a) o DCBNC(3) ac mae'n cynnwys hefyd berson sy'n derbyn taliad sy'n daladwy o dan unrhyw ddeddfiad sy'n cael effaith yng Ngogledd Iwerddon ac yn cyfateb i dâl salwch statudol neu dâl mamolaeth statudol;

ystyr "y Cynllun Cyflogaeth, Sgiliau a Menter" ("*the Employment, Skills and Enterprise Scheme*") yw cynllun o dan adran 17A (cynlluniau i gynorthwyo personau i gael cyflogaeth: cynlluniau "gweithiwch am eich budd-dal" etc.) o Ddeddf Ceiswyr Gwaith 1995(4), a adwaenir wrth yr enw hwnnw ac a ddarparwyd yn unol â threfniadau a wnaed gan yr Ysgrifennydd Gwladol gyda'r bwriad o gynorthwyo hawlwy'r lwfans ceisio gwaith i gael cyflogaeth, gan gynnwys hunangyflogaeth, ac yn achos unrhyw unigolyn, gall gynnwys gweithgaredd perthynol i waith (megis profiad gwaith neu chwilio am waith);

(c) by any combination of the provisions set out in paragraphs (a) and (b);

"disability living allowance" ("*lwfans byw anabl*") means a disability living allowance under section 71 of the SSCBA(1);

"dwelling" ("*annedd*") has the meaning given by section 3 of the 1992 Act;

"earnings" ("*enillion*") has the meaning given by paragraph 38, 40, 41, 48 or 50 of this scheme as the case may be;

"the Eileen Trust" ("*Ymddiriedolaeth Eileen*") means the charitable trust of that name established on 29 March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;

"electronic communication" ("*cyfathrebiad electronig*") has the same meaning as in section 15(1) of the Electronic Communications Act 2000(2);

"employed earner" ("*enillydd cyflogedig*") is to be construed in accordance with section 2(1)(a) of the SSCBA(3) and also includes a person who is in receipt of a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay or statutory maternity pay;

"the Employment, Skills and Enterprise Scheme" ("*y Cynllun Cyflogaeth, Sgiliau a Menter*") means a scheme under section 17A (schemes for assisting persons to obtain employment: "work for your benefit" schemes etc.) of the Jobseekers Act 1995(4) known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist claimants for job-seekers allowance to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search);

(1) Diwygiwyd adran 71 gan adran 67(1) o Ddeddf Diwygio Lles a Phensiynau 1999 (p.30), a diddymwyd hi gan adran 90 o Ddeddf Diwygio Lles 2012 (p.5) (nad yw eto mewn grym).

(2) 2000 p.7; diwygiwyd y diffiniad o "electronic communication" sy'n gynnwysedig yn adran 15(1) gan adran 406 o Ddeddf Cyfathrebiadau 2003 (p.21), a pharagraff 158 o Atodlen 17 i'r Ddeddf honno.

(3) Diwygiwyd adran 2(1)(a) gan baragraffau 169 a 171 o Atodlen 6 i Ddeddf Treth Incwm (Enillion a Phensiynau) 2003 (p.1).

(4) Mewnosodwyd adran 17A gan adran 1 o Ddeddf Diwygio Lles 2009 (p.24) a diwygiwyd hi gan baragraffau 1 a 4 o Atodlen 7 a Rhannau 1 a 3 o Atodlen 14 (nad ydynt eto mewn grym) o Ddeddf Diwygio Lles 2012 (p.5). Diddymwyd yr adran gan Ran 4 o Atodlen 14 i'r Ddeddf honno (nad yw eto mewn grym).

(1) Section 71 was amended by section 67(1) of the Welfare Reform and Pensions Act 1999 (c.30) and repealed by section 90 of the Welfare Reform Act 2012 (c.5) (not yet in force).

(2) 2002 c.7; the definition of "electronic communication" contained in section 15(1) was amended by section 406 of, and paragraph 158 of Schedule 17 to, the Communications Act 2003 (c.21).

(3) Section 2(1)(a) was amended by the Income Tax (Earnings and Pensions) Act 2003, Schedule 6, paragraphs 169 and 171 (c.1).

(4) Section 17A was inserted by the Welfare Reform Act 2009 (c.24), section 1 and amended by the Welfare Reform Act 2012 (c.5), Schedule 7, paragraphs 1 and 4, and Schedule 14, Parts 1 and 3 (not yet in force). The section is repealed by Part 4 of Schedule 14 of that Act (not yet in force).

ystyr “parth cyflogaeth” (“*employment zone*”) yw ardal o fewn Prydain Fawr a ddynodwyd at ddibenion adran 60 o Ddeddf Diwygio Lles a Phensiynau 1999(1) ac ystyr “rhaglen parth cyflogaeth” (“*employment zone programme*”) yw rhaglen a sefydlwyd ar gyfer ardal neu ardaloedd o’r fath gyda’r bwriad o gynorthwyo hawlwr lwfans ceisio gwaith i gael cyflogaeth gynaliadwy;

ystyr “contractwr parth cyflogaeth” (“*employment zone contractor*”) yw person sy’n ymgymryd â darparu cyfleusterau mewn perthynas â rhaglen parth cyflogaeth ar ran yr Ysgrifennydd Gwladol dros Waith a Phensiynau;

mae “deddfiad” (“*enactment*”) yn cynnwys deddfiad sy’n gynwysedig mewn Deddf Senedd yr Alban neu Ddeddf neu Fesur Cynulliad Cenedlaethol Cymru neu mewn offeryn a wnaed o dan Ddeddf neu Fesur o’r fath;

ystyr “gostyngiad estynedig” (“*extended reduction*”) yw gostyngiad o dan y cynllun hwn, y mae person yn gymwys i’w gael o dan Ran 11 o’r cynllun hwn;

ystyr “cyfnod gostyngiad estynedig” (“*extended reduction period*”) yw’r cyfnod pan fo person yn cael gostyngiad estynedig yn unol â pharagraff 87, 94 neu 99 o’r cynllun hwn;

ystyr “gostyngiad estynedig (budd-daliadau cyfrannol cymwys)” (“*extended reduction (qualifying contributory benefits)*”) yw gostyngiad o dan y cynllun hwn, y mae person yn gymwys ar ei gyfer yn unol â pharagraff 86 neu 98 o’r cynllun hwn;

mae i “teulu” (“*family*”) yr ystyr a roddir gan baragraff 6 o’r cynllun hwn;

ystyr “y Gronfa” (“*the Fund*”) yw arian a roddir ar gael o bryd i’w gilydd gan yr Ysgrifennydd Gwladol er budd personau sy’n gymwys i gael taliadau yn unol â darpariaethau cynllun a sefydlwyd gan yr Ysgrifennydd Gwladol ar 24 Ebrill 1992 neu, yn yr Alban, ar 10 Ebrill 1992;

mae “credyd gwarant” i’w ddehongli yn unol â’r ystyr a roddir i “guarantee credit” yn unol ag adrannau 1 a 2 o Ddeddf Credyd Pensiwn y Wladwriaeth 2002(2);

ystyr “taliad incwm gwarantedig” (“*a guaranteed income payment*”) yw taliad a wneir o dan erthygl 15(1)(c) neu erthygl 29(1)(a) o Orchymyn y Lluoedd Arfog a’r Lluoedd Wrth Gefn (Cynllun Digolledu) 2011(3);

“employment zone” (“*parth cyflogaeth*”) means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999(1) and an “employment zone programme” (“*rhaglen parth cyflogaeth*”) means a programme established for such an area or areas designed to assist claimants for a jobseeker’s allowance to obtain sustainable employment;

“employment zone contractor” (“*contractwr parth cyflogaeth*”) means a person who is undertaking the provision of facilities in respect of an employment zone programme on behalf of the Secretary of State for Work and Pensions;

“enactment” (“*deddfiad*”) includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament or an Act or Measure of the National Assembly for Wales;

“extended reduction” (“*gostyngiad estynedig*”) means a reduction under this scheme for which a person is eligible under Part 11 of this scheme;

“extended reduction period” (“*cyfnod gostyngiad estynedig*”) means the period for which a person is in receipt of an extended reduction in accordance with paragraph 87, 94 or 99 of this scheme;

“extended reduction (qualifying contributory benefits)” (“*gostyngedig estynedig (budd-daliadau cyfrannol cymwys)*”) means a reduction under this scheme for which a person is eligible pursuant to paragraph 86 or 98 of this scheme;

“family” (“*teulu*”) has the meaning given by paragraph 6 of this scheme;

“the Fund” (“*y Gronfa*”) means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by the Secretary of State on 24 April 1992 or, in Scotland, on 10 April 1992;

“guarantee credit” (“*credyd gwarant*”) is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002(2);

“a guaranteed income payment” (“*taliad incwm gwarantedig*”) means a payment made under article 15(1)(c) or article 29(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(3);

(1) 1999 p.30.
(2) 2002 p.16.
(3) O.S. 2011/517.

(1) 1999 c.30.
(2) 2002 c.16.
(3) S.I. 2011/517.

ystyr “budd-dal tai” (“*housing benefit*”) yw budd-dal tai o dan Ran 7 o DCBNC;

mae i “lwfans ceisio gwaith ar sail incwm” a “lwfans ceisio gwaith cyd-hawliad” yr ystyron a roddir, yn eu trefn, i “an income-based jobseeker’s allowance” a “a joint-claim jobseeker’s allowance” gan adran 1(4) o Ddeddf Ceiswyr Gwaith 1995(1);

ystyr “lwfans cyflogaeth a chymorth ar sail incwm” (“*income-related employment and support allowance*”) yw lwfans ar sail incwm o dan Ran 1 o Ddeddf Diwygio Lles 2007;

mae i “ysbyty annibynnol” (“*independent hospital*”) yr ystyr canlynol—

- (a) yn Lloegr, ysbyty yn yr ystyr a roddir i “hospital” fel y’i diffinnir yn adran 275 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006(2), nad yw’n ysbyty gwasanaeth iechyd yn yr ystyr a roddir i “health service hospital” fel y’i diffinnir yn yr adran honno;
- (b) yng Nghymru, yr ystyr a roddir i “independent hospital” yn adran 2 o Ddeddf Safonau Gofal 2000(3); ac
- (c) yn yr Alban, gwasanaeth gofal iechyd annibynnol yn yr ystyr a roddir i “independent healthcare service” fel y’i diffinnir yn adran 10F o Ddeddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978(4);

ystyr “y Gronfa Byw’n Annibynnol (2006)” (“*the Independent Living Fund (2006)*”) yw’r Ymddiriedolaeth sy’n dwyn yr enw hwnnw, a sefydlwyd gan weithred ddyddiedig 10 Ebrill 2006 ac a wnaed rhwng yr Ysgrifennydd Gwladol dros Waith a Phensiynau ar y naill ran a Margaret Rosemary Cooper, Michael Beresford Boyall a Marie Theresa Martin ar y rhan arall;

ystyr “cerbyd ar gyfer pobl anabl neu fath arall o gerbyd” (“*invalid carriage or other vehicle*”) yw cerbyd a yrrir gan beiriant petrol neu bŵer trydanol, a gyflenwir ar gyfer ei ddefnyddio ar y ffordd a’i reoli gan y meddiannydd;

“housing benefit” (“*budd-dal tai*”) means housing benefit under Part 7 of the SSCBA;

“an income-based jobseeker’s allowance” (“*lwfans ceisio gwaith ar sail incwm*”) and “a joint-claim jobseeker’s allowance” (“*lwfans ceisio gwaith cyd-hawliad*”) have the meanings given by section 1(4) of the Jobseekers Act 1995(1);

“income-related employment and support allowance” (“*lwfans cyflogaeth a chymorth ar sail incwm*”) means an income-related allowance under Part 1 of the Welfare Reform Act 2007;

“independent hospital” (“*ysbyty annibynnol*”)—

- (a) in England means a hospital as defined by section 275 of the National Health Service Act 2006(2) that is not a health service hospital as defined by that section;
- (b) in Wales has the meaning given by section 2 of the Care Standards Act 2000(3); and
- (c) in Scotland means an independent healthcare service as defined by section 10F of the National Health Service (Scotland) Act 1978(4);

“the Independent Living Fund (2006)” (“*y Gronfa Byw’n Annibynnol (2006)*”) means the Trust of that name established by a deed dated 10 April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;

“invalid carriage or other vehicle” (“*cerbyd ar gyfer pobl anabl neu fath arall o gerbyd*”) means a vehicle propelled by a petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

(1) 1995 p.18. Diwygiwyd adran 1(4) gan baragraffau 1 a 2(1) a (4) o Atodlen 7 i Ddeddf Diwygio Lles a Phensiynau 1999; Deddf Partneriaeth Sifil 2004 (p.33); adran 4 o Ddeddf Diwygio Lles 2009 (p.24), a diddymir hi gan Ran 1 o Atodlen 14 i Ddeddf Diwygio Lles 2012 (nad yw eto mewn grym).

(2) 2006 p.41. Diwygiwyd y diffiniad o “health service hospital” gan baragraff 138 o Atodlen 4 i Ddeddf Iechyd a Gofal Cymdeithasol 2012 (p.7).

(3) 2000 p.14; diwygiwyd adran 2 gan baragraffau 1 a 3 o Atodlen 5 i Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p.14).

(4) 1978 p.29; mewnosodwyd adran 10F gan adran 108 o Ddeddf Diwygio Gwasanaethau Cyhoeddus (Yr Alban) 2010 (dsa 8).

(1) 1995 c.18. Section 1(4) was amended by the Welfare Reform and Pensions Act 1999, Schedule 7, paragraphs 1 and 2(1) and (4), the Civil Partnership Act 2004 (c.33), section 4 of the Welfare Reform Act 2009 (c.24), and is repealed by the Welfare Reform Act 2012, Schedule 14, Part 1 (not yet in force).

(2) 2006 c.41. The definition of “health service hospital” has been amended by the Health and Social Care Act 2012 (c.7), Schedule 4, paragraph 138.

(3) 2000 c.14. Section 2 was amended by the Health and Social Care Act 2008 (c.14), Schedule 5, paragraphs 1 and 3.

(4) 1978 c.29; Section 10F was inserted by section 108 of the Public Services Reform (Scotland) Act 2010 (asp 8).

ystyr “Cronfa Gymorth Elusennol Bomiau Llundain” (“*the London Bombings Relief Charitable Fund*”) yw’r cwmni cyfyngedig drwy warant (rhif 5505072), a’r elusen gofrestredig sy’n dwyn yr enw hwnnw a sefydlwyd ar 11 Gorffennaf 2005 at y diben (ymhlith pethau eraill) o liniaru salwch, anabledd neu angen ariannol dioddefwyr yr ymosodiadau terfysgol a gyflawnwyd yn Llundain ar 7 Gorffennaf 2005 (gan gynnwys teuluoedd neu ddibynyddion y dioddefwyr);

ystyr “unig riant” (“*lone parent*”) yw person nad oes partner ganddo, ac sy’n gyfrifol am blentyn neu berson ifanc ac yn aelod o’r un aelwyd â’r plentyn neu’r person ifanc hwnnw;

ystyr “Ymddiriedolaeth Macfarlane (Taliadau Arbennig)” (“*the Macfarlane (Special Payments) Trust*”) yw’r ymddiriedolaeth sy’n dwyn yr enw hwnnw, a sefydlwyd ar 29 Ionawr 1990, yn rhannol gyda chyllid a ddarparwyd gan yr Ysgrifennydd Gwladol er budd personau penodol sy’n dioddef o haemoffilia;

ystyr “Ymddiriedolaeth Macfarlane (Taliadau Arbennig) (Rhif 2)” (“*the Macfarlane (Special Payments) (No 2) Trust*”) yw’r ymddiriedolaeth sy’n dwyn yr enw hwnnw, a sefydlwyd ar 3 Mai 1991, yn rhannol gyda chyllid a ddarparwyd gan yr Ysgrifennydd Gwladol er budd personau penodol sy’n dioddef o haemoffilia a buddiolwyr eraill;

ystyr “Ymddiriedolaeth Macfarlane” (“*the Macfarlane Trust*”) yw’r ymddiriedolaeth elusennol a sefydlwyd yn rhannol gyda chyllid a ddarparwyd gan yr Ysgrifennydd Gwladol i’r Gymdeithas Haemoffilia, i liniaru tlodi neu drallod ymhlith rhai sy’n dioddef o haemoffilia;

ystyr “Iwfans cyflogaeth a chymorth prif wedd” (“*main phase employment and support allowance*”) yw Iwfans cyflogaeth a chymorth pan fo’r cyfrifiad o’r swm sy’n daladwy mewn perthynas â’r ceisydd yn cynnwys cydran o dan adran 2(1)(b) neu 4(2)(b) o Ddeddf Diwygio Lles 2007(1) ac eithrio yn Rhan 1 o Atodlen 3;

ystyr “absenoldeb mamolaeth” (“*maternity leave*”) yw cyfnod pan fo benyw yn absennol o’i gwaith oherwydd ei bod yn feichiog neu wedi rhoi genedigaeth i blentyn, a chanddi hawl, ar ddiwedd y cyfnod hwnnw, i ddychwelyd i’w gwaith naill ai o dan delerau ei chontract

“the London Bombings Relief Charitable Fund” (“*Cronfa Gymorth Elusennol Bomiau Llundain*”) means the company limited by guarantee (number 5505072), and registered charity of that name established on 11 July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7 July 2005;

“lone parent” (“*unig riant*”) means a person who has no partner and who is responsible for and a member of the same household as a child or young person;

“the Macfarlane (Special Payments) Trust” (“*Ymddiriedolaeth Macfarlane (Taliadau Arbennig)*”) means the trust of that name, established on 29 January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;

“the Macfarlane (Special Payments) (No.2) Trust” (“*Ymddiriedolaeth Macfarlane (Taliadau Arbennig) (Rhif 2)*”) means the trust of that name, established on 3 May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

“the Macfarlane Trust” (“*Ymddiriedolaeth Macfarlane*”) means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

“main phase employment and support allowance” (“*Iwfans cyflogaeth a chymorth prif wedd*”) means an employment and support allowance where the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007(1) except in Part 1 of Schedule 3;

“maternity leave” (“*cyfnod mamolaeth*”) means a period during which a woman is absent from work because the woman is pregnant or has given birth to a child, and at the end of which the woman has a right to return to work either under the terms of the woman’s contract of employment or under Part 8 of the Employment Rights Act 1996(2);

(1) Diwygir adran 2(1)(b) gan baragraff 24 (sydd mewn grym yn rhannol), o Atodlen 23 i Ddeddf Diwygio Lles 2012; diddymir adran 4 gan Ran 1 o Atodlen 14 i’r Ddeddf honno (nad yw eto mewn grym).

(1) Section 2(1)(b) is amended by the Welfare Reform Act 2012, Schedule 23, paragraph 24 (partially in force), section 4 is repealed by Part 1 of Schedule 14 to that Act (not yet in force).
(2) 1996 c.18.

cyflogaeth neu o dan Ran 8 o Ddeddf Hawliau Cyflogaeth 1996(1);

ystyr “uchafswm gostyngiad treth gyngor” (“*maximum council tax reduction amount*”) yw’r swm a benderfynir yn unol â pharagraff 27 o’r cynllun hwn;

ystyr “aelod o gwpl” (“*member of a couple*”) yw aelod o gwpl priod neu ddibriod;

“MFET Limited” (“*MFET Limited*”) yw’r cwmni cyfyngedig drwy warant (rhif 7121661) sy’n dwyn yr enw hwnnw a sefydlwyd yn benodol at y diben o wneud taliadau, yn unol â threfniadau a wnaed gyda’r Ysgrifennydd Gwladol, i bersonau a heintiwyd ag HIV oherwydd triniaeth gan y GIG gyda gwaed neu gynhyrchion gwaed;

ystyr “atodiad symudedd” (“*mobility supplement*”) yw—

- (a) mewn perthynas â phensiynwyr, atodiad y cyfeirir ato ym mharagraff 5(1)(a)(vii) o Atodlen 4 i’r cynllun hwn;
- (b) mewn perthynas â phersonau nad ydynt yn bensiynwyr, atodiad y cyfeirir ato ym mharagraff 13 o Atodlen 7;

ystyr “symudwr” (“*mover*”) yw ceisydd sy’n newid yr annedd y mae’n preswyllo ynddi, ac y mae’n atebol i dalu treth gyngor mewn perthynas â hi, o annedd yn ardal un awdurdod i annedd yn ardal ail awdurdod;

ystyr “enillion net” (“*net earnings*”) yw’r cyfryw enillion a gyfrifir yn unol â pharagraff 39 neu 49 o’r cynllun hwn, yn ôl fel y digwydd;

ystyr “elw net” (“*net profit*”) yw’r cyfryw elw a gyfrifir yn unol â pharagraff 58 o’r cynllun hwn;

ystyr “annedd newydd” (“*new dwelling*”), at ddibenion y diffiniad o “ail awdurdod” a pharagraffau 89, 96 a 101 o’r cynllun hwn, yw’r annedd y mae’r ceisydd wedi symud iddi, neu ar fin symud iddi, a lle y bydd y ceisydd yn preswyllo ynddi;

mae i “annibynnydd” (“*non-dependant*”) yr ystyr a roddir gan baragraff 9 o’r cynllun hwn;

ystyr “cymorth achlysurol” (“*occasional assistance*”) yw unrhyw daliad neu ddarpariaeth a wneir gan awdurdod lleol, Gweinidogion Cymru neu Weiniogion yr Alban at ddibenion—

- (a) ddiwallu neu gynorthwyo i ddiwallu angen byrdymor taer—

“maximum council tax reduction amount” (“*uchafswm gostyngiad treth gyngor*”) means the amount determined in accordance with paragraph 27 of this scheme;

“member of a couple” (“*aelod o gwpl*”) means a member of a married or unmarried couple;

“MFET Limited” (“*MFET Limited*”) means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products;

“mobility supplement” (“*atodiad symudedd*”) means—

- (a) in relation to pensioners, a supplement to which paragraph 5(1)(a)(vii) of Schedule 4 to this scheme refers;
- (b) in relation to persons who are not pensioners, a supplement to which paragraph 13 of Schedule 7 refers;

“mover” (“*symudwr*”) means an applicant who changes the dwelling in which the applicant is resident, and in respect of which the applicant is liable to pay council tax, from a dwelling in the area of the authority to a dwelling in the area of a second authority;

“net earnings” (“*enillion net*”) means such earnings as are calculated in accordance with paragraph 39 or 49 of this scheme, as the case may be;

“net profit” (“*elw net*”) means such profit as is calculated in accordance with paragraph 58 of this scheme;

“new dwelling” (“*annedd newydd*”) means, for the purposes of the definition of “second authority” and paragraphs 89, 96 and 101 of this scheme, the dwelling to which an applicant has moved, or is about to move, in which the applicant will be resident;

“non-dependant” (“*annibynnydd*”) has the meaning given by paragraph 9 of this scheme;

“occasional assistance” (“*cymorth achlysurol*”) means any payment or provision made by a local authority, the Welsh Ministers or the Scottish Ministers for the purposes of—

- (a) meeting, or helping to meet an immediate short-term need—

(1) 1996 p.18.

- (i) sy'n deillio o ddigwyddiad eithriadol, neu amgylchiad eithriadol, neu
- (ii) y mae angen ei ddiwallu i osgoi risg i les unigolyn, a
- (b) galluogi unigolion cymwys i sefydlu neu gynnal cartref sefydlog, ac—
 - (i) mae i “awdurdod lleol” yr ystyr a roddir i “local authority” gan adran 270(1) o Ddeddf Llywodraeth Leol 1972(1); a
 - (ii) ystyr “unigolion cymwys” (“*qualifying individuals*”) yw unigolion sydd wedi bod neu y gallent fel arall, heb y cymorth, fod—
 - (aa) mewn carchar, ysbyty, sefydliad sy'n darparu gofal preswyl neu sefydliad arall, neu
 - (bb) yn ddigartref neu rywfodd arall yn dilyn ffordd ansefydlog o fyw;

ystyr “pensiwn galwedigaethol” (“*occupational pension*”) yw unrhyw bensiwn neu daliad cyfnodol arall o dan gynllun pensiwn galwedigaethol, ond nid yw'n cynnwys unrhyw daliad disgresiynol allan o gronfa a sefydlwyd i liniaru caledi mewn achosion penodol;

mae i “cynllun pensiwn galwedigaethol” yr un ystyr a roddir i “occupational pension scheme” yn adran 1 o Ddeddf Cynlluniau Pensiwn 1993(2);

ystyr “dillad ac esgidiau cyffredin” (“*ordinary clothing and footwear*”) yw dillad neu esgidiau ar gyfer defnydd beunyddiol arferol, ond nid yw'n cynnwys gwisgoedd ysgol nac ychwaith ddillad neu esgidiau a ddefnyddir yn unig ar gyfer gweithgareddau chwaraeon;

ystyr “partner” (“*partner*”), mewn perthynas â pherson, yw—

- (a) pan fo'r person hwnnw'n aelod o gwpl, yr aelod arall o'r cwpl hwnnw;
- (b) yn ddarostyngedig i baragraff (c), pan fo'r person hwnnw mewn priodas amlbriod â dau neu ragor o aelodau aelwyd y person hwnnw, unrhyw aelod o'r fath sy'n briod â'r person hwnnw; neu
- (c) pan fo'r person hwnnw mewn priodas amlbriod a chanddo ddyfarniad o gredyd

- (i) arising out of an exceptional event or exceptional circumstance, or
- (ii) that needs to be met to avoid a risk to the well-being of an individual, and
- (b) enabling qualifying individuals to establish or maintain a settled home, and—
 - (i) “local authority” (“*awdurdod lleol*”) has the meaning given by section 270(1) of the Local Government Act 1972(1); and
 - (ii) “qualifying individuals” (“*unigolion cymwys*”) means individuals who have been, or without the assistance might otherwise be—
 - (aa) in prison, hospital, an establishment providing residential care or other institution, or
 - (bb) homeless or otherwise living an unsettled way of life;

“occupational pension” (“*pensiwn galwedigaethol*”) means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

“occupational pension scheme” (“*cynllun pensiwn galwedigaethol*”) has the same meaning as in section 1 of the Pension Schemes Act 1993(2);

“ordinary clothing and footwear” (“*dillad ac esgidiau cyffredin*”) means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities;

“partner” (“*partner*”), in relation to a person, means—

- (a) where that person is a member of a couple, the other member of that couple;
- (b) subject to paragraph (c), where that person is polygamously married to two or more members of that person's household, any such member to whom that person is married; or
- (c) where that person is polygamously married and has an award of universal credit with the

(1) 1972 p.70. Diwygiwyd y diffiniad hwn o “local authority” gan adran 102 o Ddeddf Llywodraeth Leol 1985 (p.51) a paragraff 8 o Atodlen 16 ac Atodlen 17 i'r Ddeddf honno. Gwnaed diwygiadau eraill i'r diffiniad hwnnw, ond nid ydynt yn berthnasol i'r Rheoliadau hyn.

(2) 1993 p.48. Amnewidiwyd y diffiniad o “occupational pension scheme” gan adran 239 o Ddeddf Pensiynau 2004 (p.35) a diwygiwyd ef gan O.S. 2007/3014.

(1) 1972 c.70. The definition of “local authority” was amended by section 102 of, and paragraph 8 of Schedule 16 and Schedule 17 to the Local Government Act 1985 (c.51). Other amendments have been made to that definition but they are not relevant to these Regulations.

(2) 1993 c.48. The definition of “occupational pension scheme” was substituted by section 239 of the Pensions Act 2004 (c.35) and amended by S.I. 2007/3014.

cynhwysol gyda'r parti arall i'r briodas gynharaf, sy'n parhau mewn bodolaeth, y parti arall hwnnw i'r briodas gynharaf;

ystyr "absenoldeb tadolaeth" ("*paternity leave*") yw cyfnod o absenoldeb o'r gwaith gyda chaniatâd yn rhinwedd adran 80A neu 80B o Ddeddf Hawliau Cyflogaeth 1996, neu o absenoldeb tadolaeth ychwanegol yn rhinwedd rheoliadau a wnaed o dan adran 80AA neu 80BB o'r Ddeddf honno(1);

ystyr "deiliad cronfa bensiwn" ("*pension fund holder*"), mewn perthynas â chynllun pensiwn personol neu gynllun pensiwn galwedigaethol, yw ymddiriedolwyr, rheolwyr neu weinyddwyr y cynllun, yn ôl fel y digwydd, y cynllun dan sylw;

mae i "oedran pensiynadwy" yr ystyr a roddir i "pensionable age" gan y rheolau ym mharagraff 1 o Atodlen 4 i Ddeddf Pensiynau 1995(2);

mae i "pensiynwr" ("*pensioner*") yr ystyr a roddir gan baragraff 3(2)(a) o'r cynllun hwn

ystyr "person ar gymhorthdal incwm" ("*person on income support*") yw person sy'n cael gymhorthdal incwm;

mae i "person nad yw'n bensiynwr" ("*person who is not a pensioner*") yr ystyr a roddir gan baragraff 3(2)(b) o'r cynllun hwn;

mae i "personau a drinnir fel pe na baent ym Mhrydain Fawr" ("*persons treated as not being in Great Britain*") yr ystyr a roddir gan baragraff 19 o'r cynllun hwn;

mae i "taliad annibyniaeth bersonol" yr ystyr a roddir i "personal independence payment" gan Ran 4 o Ddeddf Diwygio Lles 2012(3);

ystyr "cynllun pensiwn personol" ("*personal pension scheme*") yw—

- (a) cynllun pensiwn personol yn yr ystyr a roddir i "personal pension scheme" fel y'i diffinnir gan adran 1 o Ddeddf Cynlluniau Pensiynau 1993(4);

other party to the earliest marriage that still subsists, that other party to the earliest marriage;

"paternity leave" ("*absenoldeb tadolaeth*") means a period of absence from work on ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996 or on additional paternity leave by virtue of section 80AA or 80BB of that Act(1);

"pension fund holder" ("*deiliad cronfa bensiwn*") means with respect to a personal pension scheme or an occupational pension scheme, the trustees, managers or scheme administrators, as the case may be, of the scheme concerned;

"pensionable age" ("*oedran pensiynadwy*") has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995(2);

"pensioner" ("*pensiynwr*") has the meaning given by paragraph 3(2)(a) of this scheme;

"person on income support" ("*person ar gymhorthdal incwm*") means a person in receipt of income support;

"person who is not a pensioner" ("*person nad yw'n bensiynwr*") has the meaning given by paragraph 3(2)(b) of this scheme;

"persons treated as not being in Great Britain" ("*personal a drinnir fel pe na baent ym Mhrydain Fawr*") has the meaning given by paragraph 19 of this scheme;

"personal independence payment" ("*taliad annibyniaeth bersonol*") has the meaning given by Part 4 of the Welfare Reform Act 2012(3);

"personal pension scheme" ("*cynllun pensiwn personol*") means—

- (a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993(4);

(1) 1996 p.18. Mewnosodwyd adrannau 80A ac 80B gan adran 1 o Ddeddf Cyflogaeth 2002 (p.22) a mewnosodwyd adrannau 80AA ac 80BB gan adran 3 o Ddeddf Gwaith a Theuluoedd 2006 (p.18). Y rheoliadau perthnasol a wnaed o dan yr adrannau hyn yw O.S. 2002/2788 ac O.S. 2003/921 (a wnaed o dan adrannau 80A ac 80B) ac O.S. 2010/1055 ac O.S. 2010/1059 (a wnaed o dan adrannau 80AA ac 80BB).

(2) 1995 p.26; diwygiwyd paragraff 1 gan baragraff 39 o Atodlen 2 i Ddeddf Credyd Pensiwn y Wladwriaeth 2002 (p.16); paragraff 13 o Atodlen 3 i Ddeddf Diwygio Lles 2007 (p.5); paragraff 4 o Atodlen 3 i Ddeddf Pensiynau 2007 (p.22); ac adran 1 o Ddeddf Pensiynau 2011 (p.19).

(3) 2012 p.5.

(4) 1993 p.48; amnewidiwyd y diffiniad o "personal pension scheme" gan adran 239 o Ddeddf Pensiynau 2004 (p.35) a diwygiwyd ef gan adrannau 70 a 114 o Ddeddf Cyllid 2007 (p.11) a pharagraff 23 o Atodlen 20 a pharagraff 3 o Atodlen 27 i'r Ddeddf honno.

(1) 1996 c.18. Sections 80A and 80B were inserted by section 1 of the Employment Act 2002 (c.22) and sections 80AA and 80BB were inserted by section 3 of the Work and Families Act 2006 (c.18). Relevant regulations made under these sections are S.I. 2002/2788 and S.I. 2003/921 (made under sections 80A and 80B) and S.I. 2010/1055 and S.I. 2010/1059 (made under sections 80AA and 80BB).

(2) 1995 c.26; paragraph 1 has been amended by the State Pension Credit Act 2002 (c.16), Schedule 2, paragraph 39; the Welfare Reform Act 2007 (c.5), Schedule 3, paragraph 13; the Pensions Act 2007 (c.22), Schedule 3, paragraph 4; and section 1 of the Pensions Act 2011 (c.19).

(3) 2012 c.5.

(4) 1993 c.48; the definition of "personal pension scheme" was substituted by section 239 of the Pensions Act 2004 (c.35) and amended by sections 70 and 114 of, and paragraph 23 of Schedule 20 and paragraph 3 of Schedule 27 to, the Finance Act 2007 (c.11).

- (b) contract blwydd-dal neu gynllun ymddiriedolaeth a gymeradwywyd o dan adran 620 neu 621 o Ddeddf Trethi Incwm a Chorfforaeth 1988(1) neu contract a amnewidiwyd yn yr ystyr a roddir i “the substituted contract” gan adran 622(3) o’r Ddeddf honno, ac a drinnir fel pe bai wedi dod yn gynllun pensiwn cofrestredig yn rhinwedd paragraff 1 o Atodlen 36 i Ddeddf Cyllid 2004(2);
- (c) cynllun pensiwn personol a gymeradwywyd o dan Bennod 4 o Ran 14 o Ddeddf Trethi Incwm a Chorfforaeth 1988 ac a drinnir fel pe bai wedi dod yn gynllun pensiwn cofrestredig yn rhinwedd paragraff 1 o Atodlen 36 i Ddeddf Cyllid 2004;

- (b) an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988(1) or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1 of Schedule 36 to the Finance Act 2004(2);
- (c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1 of Schedule 36 to the Finance Act 2004;

ystyr “polisi yswiriant bywyd” (“*policy of life insurance*”) yw unrhyw offeryn sy’n sicrhau y telir arian ar achlysur marwolaeth (ac eithrio marwolaeth drwy ddamwain yn unig) neu ar achlysur unrhyw hapddigwyddiad sy’n dibynnu ar oes ddynol, neu unrhyw offeryn sy’n tystio i contract sy’n amodol ar dalu premiymau am dymor sy’n dibynnu ar oes ddynol;

“policy of life insurance” (“*polisi yswiriant bywyd*”) means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

ystyr “priodas amlbriod” (“*polygamous marriage*”) yw unrhyw briodas y mae paragraff 5 o’r cynllun hwn yn gymwys iddo;

“polygamous marriage” (“*priodas amlbriod*”) means any marriage to which paragraph 5 of this scheme applies;

mae “awdurdod cyhoeddus” (“*public authority*”) yn cynnwys unrhyw berson y mae ei swyddogaethau yn swyddogaethau cyhoeddus eu natur;

“public authority” (“*awdurdod cyhoeddus*”) includes any person whose functions are of a public nature;

ystyr “oedran cymhwyso ar gyfer credyd pensiwn y wladwriaeth” (“*qualifying age for state pension credit*”) yw (yn unol ag adran 1(2)(b) a (6) o Ddeddf Credyd Pensiwn y Wladwriaeth 2002)(3)—

“qualifying age for state pension credit” (“*oedran cymhwyso ar gyfer credyd pensiwn y wladwriaeth*”) means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002)(3)—

- (a) yn achos benyw, oedran pensiynadwy; neu
- (b) yn achos gwryw, yr oedran sy’n oedran pensiynadwy yn achos benyw a anwyd ar yr un diwrnod â’r gwryw;

- (a) in the case of a woman, pensionable age; or
- (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;

ystyr “budd-dal cyfrannol cymwys” (“*qualifying contributory benefit*”) yw—

“qualifying contributory benefit” (“*budd-dal cyfrannol cymwys*”) means—

- (a) lwfans anableded difrifol;
- (b) budd-dal analluogrwydd;

- (a) severe disablement allowance;
- (b) incapacity benefit;

(1) 1988 p.1.
(2) 2004 p.12.
(3) 2002 p.16.

(1) 1988 c.1.
(2) 2004 c.12.
(3) 2002 c.16.

(c) lwfans cyflogaeth a chymorth cyfrannol;

ystyr “budd-dal cymwys ar sail incwm” (“*qualifying income-related benefit*”) yw—

- (a) cymhorthdal incwm;
- (b) lwfans ceisio gwaith ar sail incwm;
- (c) lwfans cyflogaeth a chymorth ar sail incwm;

ystyr “person cymwys” (“*qualifying person*”) yw person y gwnaed taliad mewn perthynas ag ef o’r Gronfa, Ymddiriedolaeth Eileen, MFET Limited, Cronfa Skipton, Sefydliad Caxton neu Gronfa Gymorth Elusenol Bomiau Llundain;

ystyr “wythnos ostyngiad” (“*reduction week*”) yw cyfnod o saith niwrnod olynol, sy’n dechrau gyda dydd Llun ac yn diweddau gyda dydd Sul;

ystyr “perthynas” (“*relative*”) yw perthynas agos, taid, nain, wŷr, wyres, ewythr, modryb, nai neu nith;

ystyr “wythnos berthnasol” (“*relevant week*”), mewn perthynas ag unrhyw ddiwrnod penodol, yw’r wythnos y mae’r diwrnod dan sylw yn digwydd ynddi;

mae i “gwaith am dâl” (“*remunerative work*”) yr ystyr a roddir gan baragraff 10 o’r cynllun hwn;

ystyr “rhent” (“*rent*”) yw’r “eligible rent” y cyfeirir ato yn rheoliad 12 o Reoliadau Budd-dal Tai (Personau a gyrhaeddodd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth) 2006(1), llai unrhyw ddiwiniadau mewn perthynas ag annibynyddion sy’n ddyladwy o dan baragraff 28 (diwiniadau annibynyddion) o’r cynllun hwn;

mae i “preswlydd” yr ystyr a roddir i “resident” gan Ran 1 o Ddeddf 1992;

mae “credyd cynilion” i’w ddehongli yn unol â’r ystyr a roddir i “savings credit” gan adrannau 1 a 3 o Ddeddf Credyd Pensiwn y Wladwriaeth 2002(2);

ystyr “ail awdurdod” (“*second authority*”) yw’r awdurdod y mae symudwr yn atebol i wneud taliadau iddo ar gyfer annedd newydd;

mae “enillydd hunangyflogedig i’w ddehongli yn unol â’r ystyr a roddir i “self-employed earner” gan adran 2(1)(b) o’r DCBNC;

ystyr “llwybr hunangyflogaeth” (“*self-employment route*”) yw cymorth i geisio cyflogaeth fel enillydd hunangyflogedig tra’n cymryd rhan mewn—

- (a) rhaglen parth cyflogaeth;

(c) contributory employment and support allowance;

“qualifying income-related benefit” (“*budd-dal cymwys ar sail incwm*”) means—

- (a) income support;
- (b) income-based jobseeker’s allowance;
- (c) income-related employment and support allowance;

“qualifying person” (“*person cymwys*”) means a person in respect of whom payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;

“reduction week” (“*wythnos ostyngiad*”) means a period of seven consecutive days beginning with a Monday and ending with a Sunday;

“relative” (“*perthynas*”) means a close relative, grandparent, grandchild, uncle, aunt, nephew or niece;

“relevant week” (“*wythnos berthnasol*”), in relation to any particular day, means the week within which the day in question falls;

“remunerative work” (“*gwaith am dâl*”) has the meaning given by paragraph 10 of this scheme;

“rent” (“*rhent*”) means “eligible rent” to which regulation 12 of the Housing Benefit (Persons who have acquired the qualifying age for state pension credit) Regulations 2006(1) refers, less any deductions in respect of non-dependants which fall to be made under paragraph 28 (non-dependant deductions) of this scheme;

“resident” (“*preswlydd*”) has the meaning given by Part 1 of the 1992 Act;

“savings credit” (“*credyd cynilion*”) is to be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002(2);

“second authority” (“*ail awdurdod*”) means the authority to which a mover is liable to make payments for the new dwelling;

“self-employed earner” (“*enillydd hunangyflogaeth*”) is to be construed in accordance with section 2(1)(b) of the SSCBA;

“self-employment route” (“*llwybr hunangyflogaeth*”) means assistance in pursuing self-employed earner’s employment whilst participating in—

- (a) an employment zone programme;

(1) O.S. 2006/214; diwygiwyd gan O.S. 2007/1356, 2007/2869.

(2) 2002 p.16. Diwygiwyd adran 3 gan baragraff 140 o Atodlen 24 i Ddeddf Partneriaeth Sifil 2004 (p.33), a chan O.S. 2002/1792.

(1) S.I. 2006/214; amended by S.I. 2007/1356, 2007/2869.

(2) 2002 c.16. Section 3 was amended by the Civil Partnership Act 2004 (c.33), Schedule 24, paragraph 140 and S.I. 2002/1792.

- (b) rhaglen a ddarperir gan neu o dan drefniadau a wnaed yn unol ag adran 2 o Ddeddf Cyflogaeth a Hyfforddiant 1973(1) (swyddogaethau'r Ysgrifennydd Gwladol) neu adran 2 o Ddeddf Menter a Threfi Newydd (Yr Alban) 1990(2) (swyddogaethau mewn perthynas â hyfforddiant ar gyfer cyflogaeth, etc); neu
- (c) y Cynllun Cyflogaeth, Sgiliau a Menter;

ystyr “grŵp defnyddwyr gwasanaeth” (“*service user group*”) yw grŵp o unigolion yr ymgynghorir ag ef gan neu ar ran—

- (a) Bwrdd Iechyd, Bwrdd Iechyd Arbennig neu'r Asiantaeth Gwasanaethau Cyffredin ar gyfer Iechyd yr Alban, o ganlyniad i swyddogaeth o dan adran 2B o Ddeddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978(3),
- (b) awdurdod landlord(4), o ganlyniad i swyddogaeth o dan adran 105 o Ddeddf Tai 1985(5),
- (c) awdurdod cyhoeddus yng Ngogledd Iwerddon, o ganlyniad i swyddogaeth o dan adran 49A o Ddeddf Gwahaniaethu ar Sail Anabledd 1995(6),
- (d) awdurdod cyhoeddus, o ganlyniad i swyddogaeth o dan adran 149 o Ddeddf Cydraddoldeb 2010 (dyletswydd gyffredinol awdurdod cyhoeddus)(7),
- (e) awdurdod gwerth gorau, o ganlyniad i swyddogaeth o dan adran 3 o Ddeddf Llywodraeth Leol 1999(8),
- (f) awdurdod gwella Cymreig, o ganlyniad i swyddogaeth o dan adran 5 o Fesur Llywodraeth Leol (Cymru) 2009(9),

- (b) a programme provided by or under arrangements made pursuant to section 2 of the Employment and Training Act 1973(1) (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990(2) (functions in relation to training for employment, etc); or
- (c) the Employment, Skills and Enterprise Scheme;

“service user group” (“*grŵp defnyddwyr gwasanaeth*”) means a group of individuals that is consulted by or on behalf of—

- (a) a Health Board, Special Health Board or the Common Services Agency for Scottish Health in consequence of a function under section 2B of the National Health Service (Scotland) Act 1978(3);
- (b) a landlord authority(4) in consequence of a function under section 105 of the Housing Act 1985(5);
- (c) a public authority in Northern Ireland in consequence of a function under section 49A of the Disability Discrimination Act 1995(6);
- (d) a public authority in consequence of a function under section 149 of the Equality Act 2010 (public authority general duty)(7);
- (e) a best value authority in consequence of a function under section 3 of the Local Government Act 1999(8);
- (f) a Welsh improvement authority in consequence of a function under section 5 of the Local Government (Wales) Measure 2009(9);

(1) 1973 p.50. Amnewidiwyd adran 2 gan adran 25(1) o Ddeddf Cyflogaeth 1988 (p.19) a diddymwyd hi yn rhannol gan Ran 1 o Atodlen 7 i Ddeddf Cyflogaeth 1989 (p.38).

(2) 1990 p.35.

(3) 1978 p.29.

(4) *Gweler* y diffiniad o “landlord authority” yn adran 114 o Ddeddf Tai 1985 (p.68). Diwygiwyd adran 114 gan adran 83(4) o Ddeddf Tai 1988(p.50); adrannau 129 ac 152 o Ddeddf Llywodraeth Cymru 1998 (p.38) a pharagraff 10 o Atodlen 15 a Rhan IV o Atodlen 18 i'r Ddeddf honno; adran 222 o Ddeddf Lleoliaeth 2011(p.20) a pharagraffau 9 a 12 o Atodlen 22 i'r Ddeddf honno; O.S. 1996/2325; ac O.S. 2010/866.

(5) 1985 p.68; diwygiwyd adran 105 gan O.S. 1996/2325; gan baragraff 5 o Atodlen 8 a pharagraff 5 o Atodlen 16 i Ddeddf Llywodraeth Cymru 1998 (p.38) a chan O.S. 2010/866.

(6) 1995 p.50; mewnosodwyd adran 49A mewn perthynas â Gogledd Iwerddon gan erthygl 5 o O.S. 2006/312 (G.I.1).

(7) 2010 p.15.

(8) 1999 p.27; diwygiwyd adran 3 gan adran 137 o Ddeddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007 (p.28).

(9) 2009 mccc 2.

(1) 1973 c.50. Section 2 was substituted by section 25(1) of the Employment Act 1988 (c.19) and repealed in part by the Employment Act 1989 (c.38), Schedule 7, Part 1.

(2) 1990 c.35.

(3) 1978 c.29.

(4) See definition of “landlord authority” in section 114 of the Housing Act 1985 (c.68). Section 114 was amended by section 83(4) of the Housing Act 1988 (c.50); the Government of Wales Act 1998 (c.38) sections 129 and 152, Schedule 15, paragraph 10, and Schedule 18, Part IV; the Localism Act 2011 (c.20) section 222 and Schedule 22, paragraphs 9 and 12; S.I. 1996/2325; and S.I. 2010/866.

(5) 1985 c.68.; Section 105 was amended by S.I. 1996/2325; the Government of Wales Act 1998 (c.38), Schedule 8, paragraph 5 and Schedule 16, paragraph 5; and S.I. 2010/866.

(6) 1995 c.50.; Section 49A was inserted in respect of Northern Ireland by article 5 of S.I. 2006/312 (N.I. 1).

(7) 2010 c.15.

(8) 1999 c.27; Section 3 was amended by section 137 of the Local Government and Public Involvement in Health Act 2007 (c.28).

(9) 2009 nawm 2.

- (g) landlord awdurdod lleol neu landlord cymdeithasol cofrestredig, o ganlyniad i swyddogaeth o dan adran 53 o Ddeddf Tai (Yr Alban) 2001(1),
- (h) corff Cymreig perthnasol neu gorff Seisnig perthnasol, o ganlyniad i swyddogaeth o dan adran 242 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006(2),
- (i) Bwrdd Iechyd Lleol, o ganlyniad i swyddogaeth o dan adran 183 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(3),
- (j) y Comisiwn Ansawdd Gofal, wrth arfer swyddogaeth o dan adrannau 4 neu 5 o Ddeddf Iechyd a Gofal Cymdeithasol 2008(4),
- (k) y rheoleiddiwr neu ddarparwr cofrestredig preifat tai cymdeithasol, o ganlyniad i swyddogaeth o dan adrannau 98, 193 neu 196 o Ddeddf Tai ac Adfywio 2008(5), neu
- (l) awdurdod cyhoeddus neu awdurdod lleol ym Mhrydain Fawr, o ganlyniad i swyddogaeth a roddwyd o dan unrhyw ddeddfiad arall,

at y diben o fonitro a chynghori ar bolisi'r corff neu'r awdurdod hwnnw sy'n effeithio, neu a allai effeithio, ar bersonau yn y grŵp, neu at y diben o fonitro neu gynghori ar wasanaethau a ddarperir gan y corff neu'r awdurdod hwnnw ac a ddefnyddir (neu y mae'n bosibl y'u defnyddir) gan y personau hynny;

ystyr "ceisydd sengl" ("*single applicant*") yw ceisydd nad oes ganddo bartner ac nad yw'n unig riant;

ystyr "Cronfa Skipton" ("*the Skipton Fund*") yw'r cynllun taliadau *ex gratia* a weinyddir gan Skipton Fund Limited, a gorfforwyd ar 25 Mawrth 2004, er budd personau penodol sy'n dioddef o hepatitis C a phersonau eraill sy'n gymwys i gael taliadau yn unol â darpariaethau'r cynllun;

ystyr "dyfarniad chwaraeon" ("*sports award*") yw dyfarniad a wnaed gan un o'r Cyngorau Chwaraeon a enwir yn adran 23(2) o Ddeddf y

- (g) a local authority landlord or registered social landlord in consequence of a function under section 53 of the Housing (Scotland) Act 2001(1);
- (h) a relevant English body or a relevant Welsh body in consequence of a function under section 242 of the National Health Service Act 2006(2);
- (i) a Local Health Board in consequence of a function under section 183 of the National Health Service (Wales) Act 2006(3);
- (j) the Care Quality Commission in exercise of a function under sections 4 or 5 of the Health and Social Care Act 2008(4);
- (k) the regulator or a private registered provider of social housing in consequence of a function under sections 98, 193 or 196 of the Housing and Regeneration Act 2008(5); 2008(5); or
- (l) a public or local authority in Great Britain in consequence of a function conferred under any other enactment,

for the purposes of monitoring and advising on a policy of that body or authority which affects or may affect persons in the group, or of monitoring or advising on services provided by that body or authority which are used (or may potentially be used) by those persons;

"single applicant" ("*ceisydd sengl*") means an applicant who neither has a partner nor is a lone parent;

"the Skipton Fund" ("*Cronfa Skipton*") means the *ex-gratia* payment scheme administered by the Skipton Fund Limited, incorporated on 25 March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme's provisions;

"sports award" ("*dyfarniad chwaraeon*") means an award made by one of the Sports Councils named in section 23(2) of the National Lottery

(1) 2001 dsa 10.
 (2) 2006 p.41.
 (3) 2006 p.42.
 (4) 2008 p.14; diwygiwyd adran 4 gan adran 189 o Ddeddf Iechyd a Gofal Cymdeithasol 2012 (p.7).
 (5) 2008 p.17; diwygiwyd adran 193 gan baragraffau 1 a 4 o Atodlen 17 a Rhan 27 o Atodlen 25 i Ddeddf Lleoliaeth 2011 (p.20); diwygiwyd adran 196 gan adran 26(4) o Ddeddf Democratiaeth Leol, Datblygu Economaidd ac Adeiladu 2009 (p.20) ac adrannau 178, 195 a 237 o Ddeddf Lleoliaeth 2011 ac Atodlenni 19 a 25 i'r Ddeddf honno.

(1) 2001 asp 10.
 (2) 2006 c.41.
 (3) 2006 c.42.
 (4) 2008 c.14; Section 4 has been amended by section 189 of the Health and Social Care Act 2012 (c.7).
 (5) 2008 c.17; Section 193 was amended by the Localism Act 2011 (c.20); Schedule 17, paragraphs 1 and 4 and Schedule 25, Part 27; section 196 was amended by section 26(4) of the Local Democracy, Economic Development and Construction Act 2009 (c.20) and the Localism Act 2011, sections 178, 195 and 237, and Schedules 19 and 25.

Loteri Genedlaethol etc 1993 allan o symiau a ddyrannwyd iddo i'w dosbarthu o dan yr adran honno(1);

ystyr “DCBNC” (“*the SSCBA*”) yw Deddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(2);

mae i “credyd pensiwn y wladwriaeth” yr ystyr a roddir i “state pension credit” o dan Ddeddf Credyd Pensiwn y Wladwriaeth 2002(3);

mae i “myfyriwr” (“*student*”) yr ystyr a roddir gan baragraff 70 o'r cynllun hwn;

ystyr “lwfans cynhaliaeth” (“*subsistence allowance*”) yw lwfans y mae contractwr parth cyflogaeth wedi cytuno i'w dalu i berson sy'n cymryd rhan mewn rhaglen parth cyflogaeth;

ystyr “blwyddyn dreth” (“*tax year*”) yw cyfnod sy'n cychwyn gyda 6 Ebrill mewn un flwyddyn ac yn diweddgu gyda 5 Ebrill yn y flwyddyn nesaf;

ystyr “lwfans hyfforddi” (“*training allowance*”) yw lwfans (boed ar ffurf grantiau cyfnodol neu fel arall) sy'n daladwy—

- (a) allan o arian cyhoeddus gan adran o'r Llywodraeth neu gan neu ar ran yr Ysgrifennydd Gwladol, Datblygu Sgiliau yr Alban, Menter yr Alban neu Fenter yr Ucheldiroedd a'r Ynysoedd, Prif Weithredwr Ariannu Sgiliau neu Weinidogion Cymru;
- (b) i berson am gynhaliaeth y person hwnnw neu mewn perthynas ag aelod o deulu'r person hwnnw; ac
- (c) am y cyfnod, neu ran o'r cyfnod, pan fo'r person hwnnw'n dilyn cwrs o hyfforddiant neu gyfarwyddyd a ddarperir gan yr adran honno, neu'n unol â threfniadau a wnaed gyda'r adran honno, neu a gymeradwywyd ganddi mewn perthynas â'r person hwnnw, neu a ddarparwyd neu a gymeradwywyd felly gan neu ar ran yr Ysgrifennydd Gwladol, Datblygu Sgiliau yr Alban, Menter yr Alban neu Fenter yr Ucheldiroedd a'r Ynysoedd neu Weinidogion Cymru,

ond nid yw'n cynnwys lwfans a delir gan unrhyw adran y Llywodraeth i, neu mewn perthynas ag, unrhyw berson oherwydd bod y person hwnnw'n dilyn cwrs addysg amser llawn, ac eithrio o dan drefniadau a wnaed o dan adran

etc Act 1993(1) out of sums allocated to it for distribution under that section;

“the SSCBA” (“*DCBNC*”) means the Social Security Contributions and Benefits Act 1992(2);

“state pension credit” (“*credyd pensiwn y wladwriaeth*”) means state pension credit under the State Pension Credit Act 2002(3);

“student” (“*myfyriwr*”) has the meaning given by paragraph 70 of this scheme;

“subsistence allowance” (“*lwfans cynhaliaeth*”) means an allowance which an employment zone contractor has agreed to pay to a person who is participating in an employment zone programme;

“tax year” (“*blwyddyn dreth*”) means a period beginning with 6 April in one year and ending with 5 April in the next;

“training allowance” (“*lwfans hyfforddi*”) means an allowance (whether by way of periodical grants or otherwise) payable—

- (a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Chief Executive of Skills Funding or the Welsh Ministers;
- (b) to a person for that person's maintenance or in respect of a member of that person's family; and
- (c) for the period, or part of the period, during which that person is following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to that person or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers,

but it does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that that person is following a course of full-time education, other than under arrangements made under section 2

(1) 1993 p.39; diwygiwyd is-adran (2) gan O.S. 1996/3095 a1999/1563.

(2) 1992 p.4.

(3) 2002 p.16.

(1) 1993 c.39; subsection (2) was amended by S.I. 1996/3095, and 1999/1663.

(2) 1992 c.4.

(3) 2002 c.16.

2 o Ddeddf Cyflogaeth a Hyfforddiant 1973(1), neu'n dilyn hyfforddiant athrawon;

ystyr “yr Ymddiriedolaethau” (“*the Trusts*”) yw Ymddiriedolaeth Macfarlane, Ymddiriedolaeth Macfarlane (Taliadau Arbennig) ac Ymddiriedolaeth Macfarlane (Taliadau Arbennig) (Rhif 2);

mae i “credyd cynhwysol” yr ystyr a roddir i “universal credit” gan adran 1 o Ddeddf Diwygio Lles 2012(2);

ystyr “sefydliad gwirfoddol” (“*voluntary organisation*”) yw corff, ac eithrio awdurdod cyhoeddus neu awdurdod lleol, nas cyflawnir ei weithgareddau er mwyn gwneud elw;

ystyr “pensiwn anabledd rhyfel” (“*war disablement pension*”) yw unrhyw dâl neu bensiwn neu lwfans ymdeoliad sy'n daladwy mewn perthynas ag anabledd o dan offeryn a bennir yn adran 639(2) o Ddeddf Treth Incwm (Enillion a Phensiynau) 2003(3);

ystyr “pensiwn rhyfel” (“*war pension*”) yw pensiwn anabledd rhyfel, pensiwn rhyfel gwraig weddw neu bensiwn rhyfel gŵr gweddw;

ystyr “pensiwn rhyfel gwraig weddw” (“*war widow's pension*”) yw unrhyw bensiwn neu lwfans sy'n daladwy i fenyw fel gweddw o dan offeryn a bennir yn adran 639(2) o Ddeddf Treth Incwm (Enillion a Phensiynau) 2003, mewn perthynas â marwolaeth neu anabledd unrhyw berson;

ystyr “pensiwn rhyfel gŵr gweddw” (“*war widower's pension*”) yw unrhyw bensiwn neu lwfans sy'n daladwy i ddyn fel gweddw neu i bartner sifil sy'n goroesi o dan offeryn a bennir yn adran 639(2) o Ddeddf Treth Incwm (Enillion a Phensiynau) 2003 mewn perthynas â marwolaeth neu anabledd unrhyw berson;

ystyr “taliadau dŵr” (“*water charges*”) yw—

- (a) o ran Cymru a Lloegr, unrhyw daliadau dŵr a charthffosiaeth o dan Bennod 1 o Ran 5 o Ddeddf y Diwydiant Dŵr 1991(4),
- (b) o ran yr Alban, unrhyw daliadau dŵr a charthffosiaeth a sefydlwyd gan Scottish Water o dan gyllun taliadau a wnaed o dan

of the Employment and Training Act 1973(1) or is training as a teacher;

“the Trusts” (“*yr Ymddiriedolaethau*”) means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No 2) Trust;

“universal credit” (“*credyd cynhwysol*”) has the meaning given by section 1 of the Welfare Reform Act 2012(2);

“voluntary organisation” (“*sefydliad gwirfoddol*”) means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;

“war disablement pension” (“*pensiwn anabledd rhyfel*”) means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003(3);

“war pension” (“*pensiwn rhyfel*”) means a war disablement pension, a war widow's pension or a war widower's pension;

“war widow's pension” (“*pensiwn rhyfel gwraig weddw*”) means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

“war widower's pension” (“*pensiwn rhyfel gŵr gweddw*”) means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

“water charges” (“*taliadau dŵr*”) means—

- (a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991(4);
- (b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under

(1) 1973 p.50; amnewidiwyd adran 2 gan adran 25 o Ddeddf Cyflogaeth 1988 (p.19), a diwygiwyd hi gan Ran 1 o Atodlen 7 i Ddeddf Cyflogaeth 1989 (p.38).

(2) 2012 p.5.

(3) 2003 p.1; mewnosodwyd is-adran (2) gan adran 19 o Ddeddf Cyllid 2005 (p.7).

(4) 1991 p.56.

(1) 1973 c.50. Section 2 was substituted by the Employment Act 1988 (c.19), section 25, and amended by the Employment Act 1989 (c.38), Schedule 7, Part 1.

(2) 2012 c.5.

(3) 2003 c.1; subsection (2) was inserted by section 19 of the Finance Act 2005 (c.7).

(4) 1991 c.56.

adran 29A o Ddeddf y Diwydiant Dŵr (Yr Alban) 2002(1),

i'r graddau y mae a wnelo'r cyfryw daliadau â'r annedd a feddiennir gan berson fel ei gartref;

mae i "credyd treth gwaith" yr ystyr a roddir i "working tax credit" o dan adran 10 o Ddeddf Credydau Treth 2002(2);

ystyr "person ifanc" ("*young person*") yw person sy'n dod o fewn y diffiniad o "qualifying young person" yn adran 142 o DCBNC(3).

(2) Yn y cynllun hwn, pan fo swm i gael ei dalgrynnu i'r geiniog agosaf, rhaid diystyru ffraciwn o geiniog os yw'n llai na hanner ceiniog, ac fel arall rhaid ei drin fel pe bai'n geiniog gyfan.

(3) At ddibenion y cynllun hwn, mae person ar lwfans ceisio gwaith ar sail incwm ar unrhyw ddiwrnod y mae lwfans ceisio gwaith ar sail incwm yn daladwy mewn perthynas ag ef i'r person hwnnw, ac ar unrhyw ddiwrnod—

- (a) y mae'r person hwnnw'n bodloni'r amodau hawlogaeth am lwfans ceisio gwaith ar sail incwm mewn perthynas ag ef, ond na thelir y lwfans oherwydd gostyngiad yn unol ag adran 19 neu 19A neu reoliadau a wnaed o dan adran 17A neu 19B o Ddeddf Ceiswyr Gwaith 1995(4) (amgylchiadau pan nad yw lwfans ceisio gwaith yn daladwy);
- (b) sy'n ddiwrnod aros yn yr ystyr o "waiting day" at ddibenion paragraff 4 o Atodlen 1 i'r Ddeddf honno ac sy'n digwydd yn union cyn diwrnod y mae lwfans ceisio gwaith ar sail incwm yn daladwy mewn perthynas ag ef i'r person hwnnw, neu y byddai'n daladwy i'r person hwnnw oni bai am adran 19 neu 19A neu reoliadau a wnaed o dan adran 17A neu 19B o'r Ddeddf honno; neu
- (c) y byddai lwfans ceisio gwaith ar sail incwm yn daladwy mewn perthynas ag ef oni bai am gyfyngiad a osodwyd yn unol ag adran 6B, 7, 8 neu 9 o Ddeddf Twyll Nawdd

section 29A of the Water Industry (Scotland) Act 2002(1),

in so far as such charges are in respect of the dwelling which a person occupies as that person's home;

"working tax credit" ("*credyd treth gwaith*") means a working tax credit under section 10 of the Tax Credits Act 2002(2);

"young person" ("*person ifanc*") means a person who falls within the definition of qualifying young person in section 142 of the SSCBA(3).

(2) In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny must be disregarded if it is less than half a penny and must otherwise be treated as a whole penny.

(3) For the purpose of this scheme, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to that person and on any day—

- (a) in respect of which that person satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid because of a reduction in accordance with section 19 or 19A or regulations made under section 17A or 19B of the Jobseekers Act 1995(4) (circumstances in which a jobseeker's allowance is not payable);
- (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to that person or would be payable to that person but for section 19 or 19A or regulations made under section 17A or 19B of that Act; or
- (c) in respect of which an income-based jobseeker's allowance would be payable but for a restriction imposed pursuant to section

(1) 2002 dsa 3; amnewidiwyd adran 29 a mewnosodwyd adrannau 29A - 29G gan adran 21 o Ddeddf Gwasanaethau Dŵr etc (Yr Alban) 2005 (dsa 3).

(2) 2002 p.21.

(3) Diwygiwyd adran 142 gan adran 1 o Ddeddf Budd-dal Plant 2005 (p.6).

(4) 1995 p.18. Amnewidiwyd adran 19 (ynghyd ag adrannau 19A i 19C) gan adran 46 o Ddeddf Diwygio Lles 2012 (p.5); diddymwyd adran 17A gan Ran 4 o Atodlen 14 i Ddeddf Diwygio Lles 2012 er nad yw'r ddarpariaeth honno eto mewn grym. Yn y cyfamer gwnaed diwygiadau i adran 17A gan adrannau 48 a 59 o'r Ddeddf honno ac Atodlenni 7 ac 14 iddi.

(1) 2002 asp 3; section 29 was substituted, and sections 29A-29G were inserted, by section 21 of the Water Services etc (Scotland) Act 2005 (asp 3).

(2) 2002 c.21.

(3) Section 142 was amended by section 1 of the Child Benefit Act 2005 (c.6).

(4) 1995 c.18. Section 19 (together with sections 19A to 19C), has been substituted by section 46 of the Welfare Reform Act 2012 (c.5); section 17A has been repealed by Part 4 of Schedule 14 to the Welfare Reform Act 2012 although that provision is not yet in force. In the meantime amendments have been made to section 17A by sections 48 and 59 of, and Schedules 7 and 14 to, that Act.

Cymdeithasol 2001(1) (darpariaethau colli budd-dal).

(4) At ddibenion y cynllun hwn, mae person ar lwfans cyflogaeth a chymorth ar sail incwm ar unrhyw ddiwrnod y mae lwfans cyflogaeth a chymorth ar sail incwm yn daladwy mewn perthynas ag ef i'r person hwnnw, a hefyd ar unrhyw ddiwrnod—

- (a) pan fo'r person hwnnw'n bodloni'r amodau cymhwystra am lwfans cyflogaeth a chymorth ar sail incwm, ond na thelir y lwfans, yn unol ag adran 18 o Ddeddf Diwygio Lles 2007(2) (anghymhwyso); neu
- (b) sy'n ddiwrnod aros yn yr ystyr o "waiting day" at ddibenion paragraff 2 o Atodlen 2 (lwfans cyflogaeth a chymorth ar sail incwm: darpariaethau atodol) i'r Ddeddf honno, ac sy'n digwydd yn union cyn diwrnod y mae lwfans cyflogaeth a chymorth ar sail incwm yn daladwy mewn perthynas ag ef i'r person hwnnw, neu y byddai'n daladwy i'r person hwnnw oni bai am adran 18 o'r Ddeddf honno.

(5) At ddibenion y cynllun hwn, rhaid peidio ag ystyried bod dau berson wedi ymddieithrio onid yw'r ymddieithriad yn gyfystyr â thoriad o'r berthynas rhyngddynt.

6B, 7, 8 or 9 of the Social Security Fraud Act 2001(1) (loss of benefit provisions).

(4) For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to that person and on any day—

- (a) in respect of which that person satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act 2007(2) (disqualification); or
- (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act (employment and support allowance: supplementary provisions) and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to that person or would be payable to that person but for section 18 of that Act.

(5) For the purposes of this scheme, two persons must be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.

(1) 2001 p.11; diwygiwyd adran 6B gan adrannau 9, 24 a 58 o Ddeddf Diwygio Lles 2009 (p.24) a pharagraffau 9 a 10 o Atodlen 2 a Rhan 1 o Atodlen 7 i'r Ddeddf honno; adrannau 31, 33, 113, 118, 119, 121 a 147 o Ddeddf Diwygio Lles 2012 (p.5) a pharagraffau 56 a 58 o Atodlen 2, paragraffau 15 ac 16 o Atodlen 3, a Rhannau 1 a 12 o Atodlen 14 i'r Ddeddf honno, ac o'r rheini y diwygiadau a wnaed gan adrannau 113(1)(b), 118(1) i (4) a 119 yn unig sydd mewn grym. Diwygiwyd adran 7 gan adran 14 o Ddeddf Credyd Pensiwn y Wladwriaeth 2002 (p.16) a Rhan 3 o Atodlen 3 i'r Ddeddf honno; adrannau 28 a 49 o Ddeddf Diwygio Lles 2007 (p.5) a pharagraff 23 o Atodlen 3 i'r Ddeddf honno; adrannau 9, 24 a 58 o Ddeddf Diwygio Lles 2009 a pharagraffau 9 ac 11 o Atodlen 2, Rhan 1 o Atodlen 4 a Rhan 1 o Atodlen 7 i'r Ddeddf honno (nid yw'r diwygiadau a wnaed gan adrannau 9, 31 ac Atodlen 7 eto mewn grym); O.S. 2011/2298; adrannau 31, 33, 118, 119 a 147 o Ddeddf Diwygio Lles 2012 a pharagraffau 56 a 59 o Atodlen 2, paragraffau 15 a 17 o Atodlen 3 a Rhan 1 o Atodlen 14 i'r Ddeddf honno, ac o'r rheini y diwygiadau a wnaed gan adrannau 118 a 119 yn unig sydd mewn grym. Diddymwyd adran 8 gan adran 147 o Ddeddf Diwygio Lles 2012 a Rhan 1 o Atodlen 14 i'r Ddeddf honno, ond nid yw'r diddymiad hwnnw eto mewn grym. Gwnaed diwygiadau hefyd gan adrannau 1, 24, a 58 o Ddeddf Diwygio Lles 2009 a Rhan 1 o Atodlen 4 a Rhan 3 o Atodlen 7 i'r Ddeddf honno; adrannau 31, 48, 113 a 147 o Ddeddf Diwygio Lles 2012 a pharagraffau 56 a 60 o Atodlen 2, paragraff 12 o Atodlen 7 a Rhan 12 o Atodlen 14 i'r Ddeddf honno, ac o'r rheini y diwygiadau a wnaed gan adran 113 yn unig sydd mewn grym. Gwnaed diwygiadau i adran 9 gan adran 14 o Ddeddf Credyd Pensiwn y Wladwriaeth 2002 a Rhan 3 o Atodlen 2 i'r Ddeddf honno; adran 28 o Ddeddf Diwygio Lles 2007 a pharagraff 23 o Atodlen 3 i'r Ddeddf honno; adrannau 9, 24 a 58 o Ddeddf Diwygio Lles 2009 a Rhan 1 o Atodlen 7 i'r Ddeddf honno, nad oes yr un ohonynt mewn grym; a chan adrannau 31, 113 a 147 o Ddeddf Diwygio Lles 2012 a pharagraffau 56 a 61 o Atodlen 2 a Rhan 1 o Atodlen 14 i'r Ddeddf honno, ac o'r rheini, y diwygiadau a wnaed gan adran 113 yn unig sydd mewn grym.

(2) 2007 p.5.

(1) 2001 c.11. Section 6B was amended by sections 9, 24 and 58 of, and paragraphs 9 and 10 of Schedule 2 and Part 1 of Schedule 7 to, the Welfare Reform Act 2009 (c.24), sections 31, 33, 113, 118, 119, 121 and 147 of, paragraphs 56 and 58 of Schedule 2, paragraphs 15 and 16 of Schedule 3, Parts 1 and 12 of Schedule 14, to the Welfare Reform Act 2012 (c.5), of which only those made by section 113(1)(b), 118(1) to (4) and 119 are in force. Section 7 was amended by section 14 of, and Part 3 of Schedule 3 to, the State Pension Credit Act 2002 (c.16), sections 28 and 49 of, and paragraph 23 of Schedule 3 to, the Welfare Reform Act 2007 (c.5), sections 9, 24 and 58 of, and paragraphs 9 and 11 of Schedule 2, Part 1 of Schedule 4 and Part 1 of Schedule 7 to, the Welfare Reform Act 2009 (of which only those made by sections 9, 31 and Schedule 7 are not yet in force); S.I. 2011/2298; sections 31, 33, 118 119 and 147 of, and paragraphs 56 and 59 of Schedule 2, paragraphs 15 to 17 of Schedule 3 and Part 1 of Schedule 14 to, Welfare Reform Act 2012, of which only those made by section 118 and 119 are in force. Section 8 has been repealed by section 147 of, and Part 1 of Schedule 14, to the Welfare Reform Act 2012, but that repeal is not yet in force. Amendments have also been made by sections 1, 24 and 58 of, and Part 1 of Schedule 4 and Part 3 of Schedule 7 to, the Welfare Reform Act 2009, sections 31, 48, 113 and 147 of, and paragraphs 56 and 60 of Schedule 2, paragraph 12 of Schedule 7 and Part 12 of Schedule 14 to, the Welfare Reform Act 2012, of which only those made by section 113 are in force. Section 9 was amended by section 14 of, and Part 3 of Schedule 2 to, the State Pension Credit Act 2002; section 28 of, and paragraph 23 of Schedule 3 to, the Welfare Reform Act 2007, sections 9, 24 and 58 of, and Part 1 of Schedule 7 to the Welfare Reform Act 2009, none of which are in force, sections 31, 113 and 147 of, and paragraphs 56 to 61 of Schedule 2 and Part 1 of Schedule 14 to, the Welfare Reform Act 2012, of which only those made by section 113 are in force.

(2) 2007 c.5.

(6) Yn y cynllun hwn, mae cyfeiriadau at unrhyw berson sy'n cael credyd pensiwn y wladwriaeth yn cynnwys person a fyddai'n cael credyd pensiwn y wladwriaeth oni bai am reoliad 13 o Reoliadau Credyd Pensiwn y Wladwriaeth 2002(1) (symiau bach o gredyd pensiwn y wladwriaeth).

Cymhwyso'r cynllun: pensiynwyr a phersonau nad ydynt yn bensiynwyr

- 3.—(1) Mae'r cynllun hwn yn gymwys i—
- (a) pensiynwyr sy'n dod o fewn dosbarth A neu B(2); a
 - (b) personau nad ydynt yn bensiynwyr, sy'n dod o fewn dosbarth C neu D(3).
- (2) Yn y cynllun hwn, mae person—
- (a) yn “pensiynwr” (“*pensioner*”)—
 - (i) os yw'r person hwnnw wedi cyrraedd yr oedran cymhwyso ar gyfer credyd pensiwn y wladwriaeth; a
 - (ii) os nad yw'r person hwnnw, ac, os oes gan y person hwnnw bartner, os nad yw partner y person hwnnw—
 - (aa) yn berson ar gymhorthdal incwm, ar lwfans ceisio gwaith ar sail incwm neu ar lwfans cyflogaeth a chymorth ar sail incwm, neu
 - (bb) yn berson sydd â dyfarniad o gredyd cynhwysol; a
 - (b) yn “person nad yw'n bensiynwr” (“*person who is not a pensioner*”)—
 - (i) os nad yw'r person hwnnw wedi cyrraedd yr oedran cymhwyso ar gyfer credyd pensiwn y wladwriaeth; neu
 - (ii) os yw'r person hwnnw wedi cyrraedd yr oedran cymhwyso ar gyfer credyd pensiwn y wladwriaeth, a'r person hwnnw, neu, os oes gan y person hwnnw bartner, partner y person hwnnw—
 - (aa) yn berson ar gymhorthdal incwm, ar lwfans ceisio gwaith ar sail incwm neu ar lwfans cyflogaeth a chymorth ar sail incwm, neu
 - (bb) yn berson sydd â dyfarniad o gredyd cynhwysol.

Ystyr “cwpl”

4. Yn y cynllun hwn, ystyr “cwpl” (“*couple*”) yw—

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- (1) O.S. 2002/1792.
 (2) *Gweler* paragraffau 13 a 14 o'r cynllun hwn.
 (3) *Gweler* paragraffau 15 ac 16 o'r cynllun hwn.

(6) In this scheme, references to any person in receipt of state pension credit include a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002(1) (small amounts of state pension credit).

Application of scheme: pensioners and persons who are not pensioners

- 3.—(1) This scheme applies to—
- (a) pensioners who fall within class A or B(2); and
 - (b) persons who are not pensioners who fall within class C or D(3).
- (2) In this scheme—
- (a) a person is a “pensioner” (“*pensiynwr*”) if—
 - (i) that person has attained the qualifying age for state pension credit; and
 - (ii) that person is not, and, if that person has a partner, that person's partner is not—
 - (aa) a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance, or
 - (bb) a person with an award of universal credit; and
 - (b) a person is a “person who is not a pensioner” (“*person nad yw'n bensiynwr*”) if—
 - (i) that person has not attained the qualifying age for state pension credit; or
 - (ii) that person has attained the qualifying age for state pension credit and that person, or if that person has a partner, that person's partner, is—
 - (aa) a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance, or
 - (bb) a person with an award of universal credit.

Meaning of “couple”

4. In this scheme “couple” (“*cwpl*”) means—

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- (1) S.I. 2002/1792.
 (2) *See* paragraphs 13 and 14 of this scheme.
 (3) *See* paragraphs 15 and 16 of this scheme.

- (a) dau o bobl sydd naill ai'n briod â'i gilydd, neu'n bartneriaid sifil i'w gilydd, ac sy'n aelodau o'r un aelwyd;
- (b) dau o bobl sy'n byw gyda'i gilydd fel pe baent yn gwpl priod.

Priodasau amlbriod

5.—(1) Mae'r paragraff hwn yn gymwys mewn unrhyw achos—

- (a) pan fo person yn wŵr neu'n wraig yn rhinwedd priodas yr ymunwyd ynddi o dan gyfraith sy'n caniatáu amlbriodas; a
- (b) pan fo gan y naill barti i'r briodas neu'r llall, am y tro, unrhyw briod yn ychwanegol at y parti arall.

(2) At ddibenion paragraff 4 (ystyr "cwpl"), rhaid peidio ag ystyried bod y naill barti i'r briodas na'r llall yn aelod o gwpl.

Ystyr "teulu"

6.—(1) Yn y cynllun hwn, ystyr "teulu" (*family*) yw—

- (a) cwpl;
- (b) cwpl ynghyd ag aelod o'r un aelwyd, y mae un aelod o'r cwpl neu'r ddau yn gyfrifol amdano ac sy'n blentyn neu'n berson ifanc; neu
- (c) person nad yw'n aelod o gwpl ynghyd ag aelod o'r un aelwyd, y mae'r person hwnnw yn gyfrifol amdano ac sy'n blentyn neu'n berson ifanc.

(2) Mae'r cyfeiriadau at blentyn neu berson ifanc yn is-baragraff (1)(b) ac (c) yn cynnwys plentyn neu berson ifanc y mae adran 145A o DCBNC(1) yn gymwys iddo at ddibenion hawlogaeth am fudd-dal plant, ond yn unig am y cyfnod a ragnodir o dan adran 145A(1).

(3) Nid yw'r cyfeiriadau at berson ifanc yn is-baragraff (1)(b) ac (c) yn cynnwys person ifanc sydd—

- (a) ar gymhorthdal incwm, ar lwfans ceisio gwaith ar sail incwm neu ar lwfans cyflogaeth a chymorth ar sail incwm neu sydd â dyfarniad o greddyd cynhwysol; neu
- (b) person y mae adran 6 (eithrio rhag cael budd-daliadau) o Ddeddf Plant (Ymadael â Gofal) 2000(2) yn gymwys iddo.

(1) Mewnosodwyd adran 145A gan adran 55(1) o Ddeddf Credydau Treth 2002 (p.21).
 (2) 2000 p.35.

- (a) two people who are either married to, or civil partners of, each other and who are members of the same household;
- (b) two people who are living together as if they are a married couple.

Polygamous marriages

5.—(1) This paragraph applies to any case where—

- (a) a person is a husband or wife by virtue of a marriage entered into under a law which permits polygamy; and
- (b) either party to the marriage has for the time being any spouse additional to the other party.

(2) For the purposes of paragraph 4 (meaning of "couple") neither party to the marriage is to be taken to be a member of a couple.

Meaning of "family"

6.—(1) In this scheme "family" (*teulu*) means—

- (a) a couple;
- (b) a couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person; or
- (c) a person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a young person.

(2) The references to a child or young person in subparagraph (1)(b) and (c) include a child or young person in respect of whom section 145A of the SSCBA(1) applies for the purposes of entitlement to child benefit, but only for the period prescribed under section 145A(1).

(3) The references to a young person in subparagraph (1)(b) and (c) do not include a young person who is—

- (a) on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit; or
- (b) a person to whom section 6 of the Children (Leaving Care) Act 2000(2) (exclusion from benefits) applies.

(1) Section 145A inserted by the Tax Credits Act 2002 (c.21), section 55(1).
 (2) 2000 c.35.

Amgylchiadau pan fo person i gael ei drin fel un sy'n gyfrifol neu ddim yn gyfrifol am berson arall

7.—(1) Rhaid trin person fel un sy'n gyfrifol am blentyn neu berson ifanc sydd fel arfer yn byw gyda'r person hwnnw, gan gynnwys plentyn neu berson ifanc y mae paragraff 6(2) yn gymwys iddo.

(2) Os yw plentyn neu berson ifanc yn treulio cyfnodau cyfartal o amser ar wahanol aelwydydd, neu os cwstiynt ar ba aelwyd y mae'r plentyn neu'r person ifanc yn byw, rhaid trin y plentyn neu berson ifanc at ddibenion is-baragraff (1) fel pe bai'n byw fel arfer gydag—

- (a) y person sy'n cael budd-dal plant mewn perthynas â'r plentyn neu'r person ifanc hwnnw, neu
- (b) os nad oes person o'r fath—
 - (i) os gwnaed un hawliad yn unig am fudd-dal plant mewn perthynas â'r plentyn neu'r person ifanc hwnnw, y person a wnaeth yr hawliad hwnnw, neu
 - (ii) mewn unrhyw achos arall, y person sy'n bennaf cyfrifol am y plentyn neu'r person ifanc hwnnw.

(3) At ddibenion y cynllun hwn, mae plentyn neu berson ifanc yn gyfrifoldeb i un person yn unig yn ystod unrhyw wythnos ostyngiad, a rhaid trin unrhyw berson, ac eithrio'r person a drinnir fel un sy'n gyfrifol am y plentyn neu berson ifanc o dan y paragraff hwn, fel rhywun nad yw'n gyfrifol felly.

Aelwydydd

8.—(1) Yn ddarostyngedig i is-baragraffau (2) a (3), rhaid trin ceisydd ac unrhyw bartner ac, os trinnir y ceisydd neu bartner y ceisydd (yn rhinwedd paragraff 7) fel un sy'n gyfrifol am blentyn neu berson ifanc, y plentyn neu berson ifanc hwnnw ac unrhyw blentyn y plentyn neu'r person ifanc hwnnw, fel aelodau o'r un aelwyd hyd yn oed os oes unrhyw rai ohonynt yn absennol dros dro o'r aelwyd honno.

(2) Rhaid peidio â thrin plentyn neu berson ifanc fel aelod o aelwyd y ceisydd os yw'r plentyn neu'r person ifanc hwnnw—

- (a) wedi ei leoli gyda'r ceisydd neu bartner y ceisydd gan awdurdod lleol o dan adran 22C neu 23(2)(a) o Ddeddf Plant 1989(1) neu gan sefydliad gwirfoddol o dan adran 59(1)(a) o'r Ddeddf honno, neu, yn yr

(1) 1989 p.41; yn lle adran 23 rhoddwyd adrannau 22A i 22F gan adran 8(1) o Ddeddf Plant a Phobl Ifanc 2008 (p.23). Mae adran 22C mewn grym yn Lloegr ond adran 22C(11) yn unig sydd mewn grym yng Nghymru. Diwygiwyd adran 59(1)(a) gan adran 49 o Ddeddf Plant 2004 (p.31) a paragraff 2 o Atodlen 1 i Ddeddf Plant a Phobl Ifanc 2008.

Circumstances in which a person is to be treated as responsible or not responsible for another

7.—(1) A person is to be treated as responsible for a child or young person who is normally living with that person, including a child or young person to whom paragraph 6(2) applies.

(2) Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household the child or young person is living in, the child or young person must be treated for the purposes of sub-paragraph (1) as normally living with—

- (a) the person who is receiving child benefit in respect of that child or young person, or
- (b) if there is no such person—
 - (i) where only one claim for child benefit has been made in respect of that child or young person, the person who made that claim; or
 - (ii) in any other case the person who has the primary responsibility for that child or young person.

(3) For the purposes of this scheme a child or young person is the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this paragraph is to be treated as not so responsible.

Households

8.—(1) Subject to sub-paragraphs (2) and (3), an applicant and any partner and, where the applicant or the applicant's partner is treated (by virtue of paragraph 7) as responsible for a child or young person, that child or young person and any child of that child or young person, are to be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

(2) A child or young person is not to be treated as a member of the applicant's household where that child or young person is—

- (a) placed with the applicant or the applicant's partner by a local authority under section 22C or 23(2)(a) of the Children Act 1989(1) or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded

(1) 1989 c.41; Section 23 was substituted by sections 22A to 22F by section 8(1) of the Children and Young Persons Act 2008 (c.23). Section 22C is in force in England but only section 22C(11) is in force in Wales. Section 59(1)(a) was amended by section 49 of the Children Act 2004 (c.31) and paragraph 2 of Schedule 1 to the Children and Young Persons Act 2008.

Alban, wedi ei letya gyda'r ceisydd neu bartner y ceisydd o dan ddeddfiad perthnasol; neu

- (b) wedi ei leoli, neu yn yr Alban, wedi ei letya, gyda'r ceisydd neu bartner y ceisydd cyn ei fabwysiadu; neu
- (c) wedi ei leoli ar gyfer ei fabwysiadu gyda'r ceisydd neu bartner y ceisydd yn unol â Deddf Mabwysiadu a Phlant 2002(1) neu Reoliadau Asiantaethau Mabwysiadu (Yr Alban) 2009(2), neu Orchymyn Mabwysiadu (Gogledd Iwerddon) 1987(3).

(3) Yn ddarostyngedig i is-baragraff (4), nid yw is-baragraff (1) yn gymwys i blentyn neu berson ifanc nad yw'n byw gyda'r ceisydd ac—

- (a) sy'n derbyn gofal gan awdurdod lleol, neu, yn yr Alban, sydd yng ngofal awdurdod lleol, o dan ddeddfiad perthnasol; neu
- (b) sydd wedi ei leoli, neu yn yr Alban, wedi ei letya, gyda pherson ac eithrio'r ceisydd, cyn ei fabwysiadu; neu
- (c) wedi ei leoli ar gyfer ei fabwysiadu yn unol â Deddf Mabwysiadu a Phlant 2002 neu Reoliadau Asiantaethau Mabwysiadu (Yr Alban) 2009, neu Orchymyn Mabwysiadu (Gogledd Iwerddon) 1987.

(4) Rhaid i awdurdod drin plentyn neu berson ifanc y mae is-baragraff (3)(a) yn gymwys iddo fel aelod o aelwyd y ceisydd mewn unrhyw wythnos ostyngiad—

- (a) os yw'r plentyn neu'r person ifanc hwnnw yn byw gyda'r ceisydd am ran neu'r cyfan o'r wythnos ostyngiad honno; a
- (b) os yw'r awdurdod o'r farn ei bod yn rhesymol gwneud hynny, gan ystyried natur ac amllder ymweliadau'r plentyn neu'r person ifanc hwnnw.

(5) Yn y paragraff hwn, ystyr "deddfiad perthnasol" ("*relevant enactment*") yw—

- (a) Deddf y Fyddin 1955(4);
- (b) Deddf y Llu Awyr 1955(5);
- (c) Deddf Disgyblaeth y Llynges 1957(6);
- (d) Deddf Achosion Priodasol (Plant)1958(7);
- (e) Deddf Gwaith Cymdeithasol (Yr Alban) 1968(8);

out with the applicant or the applicant's partner under a relevant enactment; or

- (b) placed, or in Scotland boarded out, with the applicant or the applicant's partner prior to adoption; or
- (c) placed for adoption with the applicant or the applicant's partner in accordance with the Adoption and Children Act 2002(1), or the Adoption Agencies (Scotland) Regulations 2009(2), or the Adoption (Northern Ireland) Order 1987(3).

(3) Subject to sub-paragraph (4), sub-paragraph (1) does not apply to a child or young person who is not living with the applicant and who—

- (a) is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
- (b) has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
- (c) has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009, or the Adoption (Northern Ireland) Order 1987.

(4) An authority must treat a child or young person to whom sub-paragraph (3)(a) applies as being a member of the applicant's household in any reduction week where—

- (a) that child or young person lives with the applicant for part or all of that reduction week; and
- (b) the authority considers that it is reasonable to do so taking into account the nature and frequency of that child's or young person's visits.

(5) In this paragraph "relevant enactment" ("*deddfiad perthnasol*") means—

- (a) the Army Act 1955(4);
- (b) the Air Force Act 1955(5);
- (c) the Naval Discipline Act 1957(6);
- (d) the Matrimonial Proceedings (Children) Act 1958(7);
- (e) the Social Work (Scotland) Act 1968(8);

(1) 2002 p.38.

(2) O.S. 2009/154.

(3) O.S. 1987/2203 (G.I. 22).

(4) 1955 p.18.

(5) 1955 p.19.

(6) 1957 p.53.

(7) 1958 p.40.

(8) 1968 p.49.

(1) 2002 c.38.

(2) S.I. 2009/154.

(3) S.I. 1987/2203 (N.I. 22).

(4) 1955 c.18.

(5) 1955 c.19.

(6) 1957 c.53.

(7) 1958 c.40.

(8) 1968 c.49.

- (f) Deddf Diwygio Cyfraith Teulu 1969(1);
- (g) Deddf Plant a Phobl Ifanc 1969(2);
- (h) Deddf Achosion Priodasol 1973(3);
- (i) Deddf Plant 1975(4);
- (j) Deddf Achosion Domestig a Llysoedd Ynadon 1978(5);
- (k) Deddf Mabwysiadu a Phlant (Yr Alban) 2007(6);
- (l) Deddf Cyfraith Teulu 1986(7);
- (m) Deddf Plant 1989(8);
- (n) Deddf Plant (Yr Alban) 1995(9);
- (o) Deddf y Lluoedd Arfog 2006(10); a
- (p) Deddf Cymorth Cyfreithiol, Dedfrydu a Chosbi Troseddwyr 2012(11).

- (f) the Family Law Reform Act 1969(1);
- (g) the Children and Young Persons Act 1969(2);
- (h) the Matrimonial Causes Act 1973(3);
- (i) the Children Act 1975(4);
- (j) the Domestic Proceedings and Magistrates' Courts Act 1978(5);
- (k) the Adoption and Children (Scotland) Act 2007(6);
- (l) the Family Law Act 1986(7);
- (m) the Children Act 1989(8);
- (n) the Children (Scotland) Act 1995(9);
- (o) the Armed Forces Act 2006(10); and
- (p) the Legal Aid, Sentencing and Punishment of Offenders Act 2012(11).

Annibynnyddion

9.—(1) Yn y cynllun hwn, ystyr “annibynnydd” (“*non-dependant*”) yw unrhyw berson, ac eithrio rhywun y mae is-baragraff (2) yn gymwys iddo, sydd fel arfer yn preswyllo gyda cheisydd neu y mae ceisydd fel arfer yn preswyllo gydag ef.

(2) Mae'r is-baragraff hwn yn gymwys i—

- (a) unrhyw aelod o deulu'r ceisydd;
- (b) os yw'r ceisydd mewn priodas amlbriod unrhyw bartner i'r ceisydd ac unrhyw blentyn neu berson ifanc sy'n aelod o aelwyd y ceisydd ac y mae'r ceisydd neu un o bartneriaid y ceisydd yn gyfrifol amdano;
- (c) plentyn neu berson ifanc sy'n byw gyda'r ceisydd ond nad yw'n aelod o aelwyd y ceisydd yn rhinwedd paragraff 8 (aelwydydd);
- (d) yn ddarostyngedig i is-baragraff (3), unrhyw berson sydd, ynghyd â'r ceisydd, yn atebol ar y cyd ac yn unigol i dalu treth gyngor mewn perthynas ag annedd ar gyfer unrhyw ddiwrnod o dan adrannau 6 neu 7 o Ddeddf

Non-dependants

9.—(1) In this scheme, “non-dependant” (“*annibynnydd*”) means any person, except someone to whom sub-paragraph (2) applies, who normally resides with an applicant or with whom an applicant normally resides.

(2) This sub-paragraph applies to—

- (a) any member of the applicant's family;
- (b) if the applicant is polygamously married, any partner of the applicant and any child or young person who is a member of the applicant's household and for whom the applicant or one of the applicant's partners is responsible;
- (c) a child or young person who is living with the applicant but who is not a member of the applicant's household by virtue of paragraph 8 (households);
- (d) subject to sub-paragraph (3), any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under sections 6 or

(1) 1969 p.46.
 (2) 1969 p.54.
 (3) 1973 p.18.
 (4) 1975 p.72; diddymwyd y Ddeddf hon mewn perthynas â Chymru a Lloegr gan Atodlen 15 i Ddeddf Plant 1989 (p.41). Mae'n parhau i gael effaith yn yr Alban.
 (5) 1978 p.22.
 (6) 2007 dsa 4.
 (7) 1986 p.55.
 (8) 1989 p.41.
 (9) 1995 p.36.
 (10) 2006 p.52.
 (11) 2012 p.10.

(1) 1969 c.46.
 (2) 1969 c.54.
 (3) 1973 c.18.
 (4) 1975 c.72; this Act was repealed in respect of England and Wales by Schedule 15 to the Children Act 1989 (c.41). It continues to have effect in Scotland.
 (5) 1978 c.22.
 (6) 2007 asp 4.
 (7) 1986 c.55.
 (8) 1989 c.41.
 (9) 1995 c.36.
 (10) 2006 c.52.
 (11) 2012 c.10.

1992(1) (personau sy'n atebol i dalu treth gyngor);

- (e) yn ddarostyngedig i is-baragraff (3), unrhyw berson sy'n atebol i wneud taliadau ar sail fasnachol i'r ceisydd neu i bartner y ceisydd mewn perthynas â meddiannu'r annedd;
- (f) person sy'n byw gyda'r ceisydd er mwyn gofalu am y ceisydd neu bartner i'r ceisydd, ac a gymerwyd ymlaen gan sefydliad elusennol neu wirfoddol sy'n codi ffi ar y ceisydd neu bartner y ceisydd am y gwasanaethau a ddarperir gan y person hwnnw.

(3) Ac eithrio personau y cyfeirir atynt yn is-baragraff (2)(a) i (c) ac (f), mae person y mae unrhyw un o'r paragraffau canlynol yn gymwys iddo yn annibynnydd—

- (a) person (P) sy'n preswyllo gyda'r person (O) y mae P yn atebol i wneud taliadau iddo mewn perthynas â'r annedd, pan fo naill ai—
 - (i) O yn berthynas agos neu'n bartner i P; neu
 - (ii) y denantiaeth neu'r cytundeb arall sydd rhyngddynt ar sail ac eithrio sail fasnachol;
- (b) person y mae'n ymddangos i'r awdurdod fod ei atebolrwydd i wneud taliadau mewn perthynas â'r annedd wedi ei greu er mwyn manteisio ar gynllun gostyngiadau'r dreth gyngor, ac eithrio rhywun a oedd, am unrhyw gyfnod o fewn yr wyth wythnos cyn creu'n cytundeb a oedd yn achosi'r atebolrwydd i wneud y cyfryw daliadau, yn atebol rywfodd arall i wneud taliadau o rent mewn perthynas â'r un annedd;
- (c) person sy'n dod yn atebol, ar y cyd â'r ceisydd a hefyd yn unigol, am dreth gyngor mewn perthynas â'r annedd ac a oedd, am unrhyw adeg yn ystod y cyfnod o wyth wythnos cyn iddo ddod yn atebol felly, yn annibynnydd o un neu ragor o'r preswylwyr eraill yn yr annedd honno sy'n atebol felly am y dreth, ac eithrio pan nad yw'r newid sy'n achosi'r atebolrwydd newydd wedi ei wneud er mwyn manteisio ar gynllun gostyngiadau'r dreth gyngor.

7 of the 1992 Act(1) (persons liable to pay council tax);

- (e) subject to sub-paragraph (3), any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
- (f) a person who lives with the applicant in order to care for the applicant or a partner of the applicant, and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or the applicant's partner for the services provided by that person.

(3) Excepting persons to whom sub-paragraph (2)(a) to (c) and (f) refer, a person to whom any of the following paragraphs applies is a non-dependant—

- (a) a person (P) who resides with the person (O) to whom P is liable to make payments in respect of the dwelling and either—
 - (i) O is a close relative of P's or P's partner; or
 - (ii) the tenancy or other agreement between them is other than on a commercial basis;
- (b) a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of a council tax reduction scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
- (c) a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to that person becoming so liable, a nondependent of one or more of the other residents in that dwelling who are so liable for the tax, unless the change giving rise to the new liability was not made to take advantage of a council tax reduction scheme.

(1) 1992 p.14; diwygiwyd is-adrannau (2) ac (8) o adran 6 gan erthygl 2 o O.S.1997/74 a pharagraff 8 o'r Atodlen i'r offeryn hwnnw.

(1) 1992 c.14; subsections (2) and (8) of section 6 were amended by article 2 of, and paragraph 8 of the Schedule to, S.I. 1997/74.

Gwaith am dâl

10.—(1) Yn ddarostyngedig i ddarpariaethau canlynol y paragraff hwn, rhaid trin person fel un sy'n ymgymryd â gwaith am dâl at ddibenion y cynllun hwn os yw'r person hwnnw'n ymgymryd â gwaith y telir amdano, neu y disgwylir tâl amdano, am o leiaf 16 awr yr wythnos, neu 16 awr yr wythnos ar gyfartaledd os yw oriau gwaith y person hwnnw'n amrywio.

(2) Yn ddarostyngedig i is-baragraff (3), wrth benderfynu nifer yr oriau y mae person yn ymgymryd â gwaith pan fo'i oriau gwaith yn amrywio, rhaid rhoi sylw i nifer cyfartalog yr oriau a weithir dros gyfnodau fel a ganlyn—

- (a) os oes cylch gwaith adnabyddadwy, dros gyfnod un cylch cyflawn (ac os oes cyfnodau mewn cylch pan nad yw'r person yn ymgymryd â gwaith, dylid cynnwys y cyfnodau hynny, ond diystyru unrhyw absenoldebau eraill);
- (b) mewn unrhyw achos arall, dros y cyfnod o 5 wythnos yn union cyn dyddiad y cais, neu pa bynnag gyfnod arall a allai, yn yr achos penodol dan sylw, alluogi canfod oriau gwaith wythnosol cyfartalog y person yn fwy cywir.

(3) At ddibenion is-baragraff (2)(a), os yw cylch adnabyddadwy gwaith person mewn ysgol, sefydliad addysgol arall neu fan cyflogaeth arall yn un flwyddyn ac yn cynnwys cyfnodau o wyliau ysgol neu wyliau cyffelyb pan nad yw'r person hwnnw'n gweithio, rhaid diystyru'r cyfnodau hynny ac unrhyw gyfnodau eraill, nad ydynt yn ffurfio rhan o wyliau o'r fath pan nad yw'n ofynnol bod y person hwnnw'n gweithio, wrth ganfod yr oriau cyfartalog pan fo'r person hwnnw'n ymgymryd â gwaith.

(4) Os nad oes cylch adnabyddadwy wedi ei ganfod mewn perthynas â'r gwaith a wneir gan berson, rhaid rhoi sylw i nifer yr oriau, neu, os yw'r oriau hynny yn amrywio, nifer cyfartalog yr oriau, y disgwylir i'r person hwnnw eu gweithio mewn wythnos.

(5) Rhaid trin person fel pe bai'n ymgymryd â gwaith am dâl yn ystod unrhyw gyfnod pan fo'r person hwnnw'n absennol o waith y cyfeirir ato yn is-baragraff (1), os yw'n absennol naill ai heb reswm da neu oherwydd gŵyl gydnabyddedig neu arferol neu ŵyl arall.

(6) Rhaid trin person sydd ar gymhorthdal incwm, lwfans ceisio gwaith ar sail incwm neu lwfans cyflogaeth a chymorth ar sail incwm am fwy na 3 diwrnod mewn unrhyw wythnos ostyngiad fel pe na bai mewn gwaith am dâl am yr wythnos honno.

(7) Rhaid peidio â thrin person fel pe bai'n ymgymryd â gwaith am dâl ar unrhyw ddiwrnod pan fo'r person hwnnw ar absenoldeb mamolaeth,

Remunerative work

10.—(1) Subject to the following provisions of this paragraph, a person must be treated for the purposes of this scheme as engaged in remunerative work if that person is engaged, or, where that person's hours of work fluctuate, that person is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.

(2) Subject to sub-paragraph (3), in determining the number of hours for which a person is engaged in work where that person's hours of work fluctuate, regard must be had to the average of hours worked over—

- (a) if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
- (b) in any other case, the period of 5 weeks immediately prior to the date of application, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately.

(3) Where, for the purposes of sub-paragraph (2)(a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which that person does not work, those periods and any other periods not forming part of such holidays or vacations during which that person is not required to work must be disregarded in establishing the average hours for which that person is engaged in work.

(4) Where no recognisable cycle has been established in respect of a person's work, regard must be had to the number of hours or, where those hours will fluctuate, the average of the hours, which that person is expected to work in a week.

(5) A person must be treated as engaged in remunerative work during any period for which that person is absent from work referred to in sub-paragraph (1) if the absence is either without good cause or by reason of a recognised, customary or other holiday.

(6) A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week is to be treated as not being in remunerative work in that week.

(7) A person must not be treated as engaged in remunerative work on any day on which that person is

absenoldeb tadolaeth neu absenoldeb mabwysiadu, neu'n absennol o'r gwaith oherwydd ei fod yn sâl.

(8) Rhaid peidio â thrin person fel pe bai'n ymgymryd â gwaith am dâl ar unrhyw ddiwrnod pan fo'r person hwnnw'n ymgymryd â gweithgaredd—

- (a) y mae gwobr chwaraeon wedi ei dyfarnu, neu i gael ei dyfarnu, mewn perthynas ag ef i'r person hwnnw; a
- (b) na wnaed, ac ni ddisgwylir y gwneir, unrhyw daliad arall mewn perthynas ag ef i'r person hwnnw.

RHAN 3

Materion gweithdrefnol

Gweithdrefn ar gyfer ceisiadau am ostyngiad ac apelau yn erbyn penderfyniadau ynghylch gostyngiad

11. Mae Atodlen 1 yn cynnwys darpariaethau ynghylch y weithdrefn—

- (a) y caiff person wneud cais am ostyngiad o dan y cynllun hwn yn unol â hwy;
- (b) y caiff person wneud apêl yn unol â hwy, yn erbyn penderfyniadau penodol gan yr awdurdod;
- (c) y caiff person wneud cais i'r awdurdod yn unol â hwy, am ostyngiad o dan adran 13A(1)(c) o Ddeddf 1992.

RHAN 4

Dosbarthiadau o bersonau sydd â hawl i gael gostyngiad o dan y cynllun hwn

Dosbarthiadau o bersonau sydd â hawl i gael gostyngiad o dan y cynllun hwn

12.—(1) Mae hawl gan y dosbarthiadau o bersonau a ddisgrifir ym mharagraffau 13 i 16 i gael gostyngiad o dan y cynllun hwn.

(2) Yn y paragraffau hynny, mae cyfeiriadau at incwm neu gyfalaf y ceisydd, mewn unrhyw achos pan na ellir canfod maint yr incwm neu'r cyfalaf hwnnw'n fanwl gywir, yn cynnwys cyfeiriadau at incwm neu gyfalaf amcangyfrifedig y ceisydd.

Dosbarth A: pensïynwyr â'u hincwm yn llai na'r swm cymwysadwy

13. Ar unrhyw ddiwrnod mae dosbarth A yn cynnwys unrhyw berson sy'n bensiynwr—

on maternity leave, paternity leave or adoption leave, or is absent from work because that person is ill.

(8) A person must not be treated as engaged in remunerative work on any day on which that person is engaged in an activity in respect of which—

- (a) a sports award has been made, or is to be made, to that person; and
- (b) no other payment is made or is expected to be made to that person.

PART 3

Procedural matters

Procedure for reduction applications and appeals against reduction decisions

11. Schedule 1 contains provisions about the procedure—

- (a) by which a person may apply for a reduction under this scheme;
- (b) by which a person may make an appeal against certain decisions of the authority;
- (c) by which a person can apply to the authority for a reduction under section 13A(1)(c) of the 1992 Act.

PART 4

Classes of person entitled to a reduction under this scheme

Classes of person entitled to a reduction under this scheme

12.—(1) The classes of person described in paragraphs 13 to 16 are entitled to a reduction under this scheme.

(2) In those paragraphs, references to the applicant's income or capital include, in a case where that income or capital cannot accurately be determined, references to the applicant's estimated income or capital.

Class A: pensioners whose income is less than the applicable amount

13. On any day class A consists of any person who is a pensioner—

- (a) sydd, ar gyfer y diwrnod hwnnw, yn atebol i dalu treth gyngor mewn perthynas ag annedd y mae'r person hwnnw'n preswyllo ynddi;
- (b) nad yw, yn ddarostyngedig i baragraff 17 (cyfnodau o absenoldeb o annedd), yn absennol o'r annedd drwy gydol y diwrnod;
- (c) y gellir cyfrifo uchafswm gostyngiad treth gyngor mewn perthynas ag ef;
- (d) nad yw'n perthyn i ddsbarth o bersonau nad oes hawl ganddynt i gael gostyngiad o dan y cynllun hwn;
- (e) nad yw ei incwm (os oes incwm) ar gyfer yr wythnos berthnasol yn fwy na swm cymwysadwy y person hwnnw; ac
- (f) sydd wedi gwneud cais.

- (a) who is for that day liable to pay council tax in respect of a dwelling of which the person is a resident;
- (b) who, subject to paragraph 17 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income (if any) for the relevant week does not exceed the person's applicable amount; and
- (f) who has made an application.

Dosbarth B: pensïynwyr â'u hincwm yn fwy na'r swm cymwysadwy

14. Ar unrhyw ddiwrnod mae dosbarth B yn cynnwys unrhyw berson sy'n bensiynwr—

- (a) sydd, ar gyfer y diwrnod hwnnw, yn atebol i dalu treth gyngor mewn perthynas ag annedd y mae'r person hwnnw'n preswyllo ynddi;
- (b) nad yw, yn ddarostyngedig i baragraff 17 (cyfnodau o absenoldeb o annedd), yn absennol o'r annedd drwy gydol y diwrnod;
- (c) y gellir cyfrifo uchafswm gostyngiad treth gyngor mewn perthynas ag ef;
- (d) nad yw'n perthyn i ddsbarth o bersonau nad oes hawl ganddynt i gael gostyngiad o dan y cynllun hwn;
- (e) y mae ei incwm ar gyfer yr wythnos berthnasol yn fwy na swm cymwysadwy y person hwnnw;
- (f) y mae swm A yn fwy na swm B mewn perthynas ag ef, os—
 - (i) swm A yw uchafswm y gostyngiad treth gyngor ar gyfer y diwrnod yn achos y person hwnnw; a
 - (ii) swm B yw $2\frac{6}{7}$ y cant o'r gwahaniaeth rhwng incwm y person hwnnw am yr wythnos berthnasol a swm cymwysadwy y person hwnnw; ac
- (g) sydd wedi gwneud cais.

Class B: pensioners whose income is greater than the applicable amount

14. On any day class B consists of any person who is a pensioner—

- (a) who is for that day liable to pay council tax in respect of a dwelling of which the person is a resident;
- (b) who, subject to paragraph 17 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income for the relevant week is greater than the person's applicable amount;
- (f) in respect of whom amount A exceeds amount B where—
 - (i) amount A is the maximum council tax reduction in respect of the day in the person's case; and
 - (ii) amount B is $2\frac{6}{7}$ per cent of the difference between the person's income for the relevant week and the person's applicable amount; and
- (g) who has made an application.

Dosbarth C: personau nad ydynt yn bensiynwyr, â'u hincwm yn llai na'r swm cymwysadwy

15. Ar unrhyw ddiwrnod mae dosbarth C yn cynnwys unrhyw berson nad yw'n bensiynwr—

Class C: persons who are not pensioners whose income is less than the applicable amount

15. On any day class C consists of any person who is not a pensioner—

- (a) sydd, ar gyfer y diwrnod hwnnw, yn atebol i dalu treth gyngor mewn perthynas ag annedd y mae'r person hwnnw'n preswyllo ynddi;
- (b) nad yw, yn ddarostyngedig i baragraff 17 (cyfnodau o absenoldeb o annedd), yn absennol o'r annedd drwy gydol y diwrnod;
- (c) y gellir cyfrifo uchafswm gostyngiad treth gyngor mewn perthynas ag ef;
- (d) nad yw'n perthyn i ddosbarth o bersonau nad oes hawl ganddynt i gael gostyngiad o dan y cynllun hwn;
- (e) y mae ei incwm (os oes incwm) ar gyfer yr wythnos berthnasol yn llai na swm cymwysadwy y person hwnnw; ac
- (f) sydd wedi gwneud cais.

- (a) who is for that day liable to pay council tax in respect of a dwelling of which the person is a resident;
- (b) who, subject to paragraph 17 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income (if any) for the relevant week is less than the person's applicable amount; and
- (f) who has made an application.

Dosbarth D: personau nad ydynt yn bensiynwyr, â'u hincwm yn fwy na'r swm cymwysadwy

16. Ar unrhyw ddiwrnod mae dosbarth D yn cynnwys unrhyw berson nad yw'n bensiynwr—

- (a) sydd, ar gyfer y diwrnod hwnnw, yn atebol i dalu treth gyngor mewn perthynas ag annedd y mae'r person hwnnw'n preswyllo ynddi;
- (b) nad yw, yn ddarostyngedig i baragraff 17 (cyfnodau o absenoldeb o annedd), yn absennol o'r annedd drwy gydol y diwrnod;
- (c) y gellir cyfrifo uchafswm gostyngiad treth gyngor mewn perthynas ag ef;
- (d) nad yw'n perthyn i ddosbarth o bersonau nad oes hawl ganddynt i gael gostyngiad o dan y cynllun hwn;
- (e) y mae ei incwm ar gyfer yr wythnos berthnasol yn fwy na swm cymwysadwy y person hwnnw;
- (f) y mae swm A yn fwy na swm B mewn perthynas ag ef, os—
 - (i) swm A yw uchafswm y gostyngiad treth gyngor ar gyfer y diwrnod yn achos y person hwnnw; a
 - (ii) swm B yw $2\frac{6}{7}$ y cant o'r gwahaniaeth rhwng incwm y person hwnnw am yr wythnos berthnasol a swm cymwysadwy y person hwnnw; ac
- (g) sydd wedi gwneud cais.

Class D: persons who are not pensioners whose income is greater than the applicable amount

16. On any day class D consists of any person who is not a pensioner—

- (a) who is for that day liable to pay council tax in respect of a dwelling of which the person is a resident;
- (b) who, subject to paragraph 17 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income for the relevant week is greater than the person's applicable amount;
- (f) in respect of whom amount A exceeds amount B where—
 - (i) amount A is the maximum council tax reduction in respect of the day in the person's case; and
 - (ii) amount B is $2\frac{6}{7}$ per cent of the difference between the person's income for the relevant week and the person's applicable amount; and
- (g) who has made an application.

Cyfnodau o absenoldeb o annedd

17.—(1) Nid yw person yn absennol o annedd mewn perthynas ag unrhyw ddiwrnod sy'n digwydd o fewn cyfnod o absenoldeb dros dro o'r annedd honno.

Periods of absence from a dwelling

17.—(1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.

(2) Yn is-baragraff (1), ystyr “cyfnod o absenoldeb dros dro” (“*period of temporary absence*”) yw—

- (a) cyfnod o absenoldeb o ddim mwy na 13 wythnos, sy’n cychwyn gyda’r diwrnod cyfan cyntaf pan fo person yn preswyllo mewn llety preswyl a phan fo, a chyhyd â bo—
 - (i) y person hwnnw’n preswyllo yn y llety hwnnw;
 - (ii) y rhan o’r annedd lle mae’r person hwnnw’n preswyllo fel arfer heb ei gosod neu ei his-osod; a
 - (iii) y cyfnod hwnnw o absenoldeb ddim yn rhan o gyfnod hwy o absenoldeb o’r annedd am fwy na 52 wythnos,
- (b) a’r person hwnnw wedi symud i’r llety at y diben o ganfod a yw’r llety’n addas ar gyfer ei anghenion, a chyda’r bwriad o ddychwelyd i’r annedd os daw’n amlwg nad yw’r llety’n addas ar gyfer ei anghenion;
- (c) cyfnod o absenoldeb o ddim mwy na 13 wythnos, sy’n cychwyn gyda’r diwrnod cyfan cyntaf o absenoldeb o’r annedd pan fo, a chyhyd â bo—
 - (i) y person yn bwriadu dychwelyd i’r annedd;
 - (ii) y rhan o’r annedd lle mae’r person hwnnw’n preswyllo fel arfer heb ei gosod neu ei his-osod; a
 - (iii) y cyfnod hwnnw’n annhebygol o fod yn hwy na 13 wythnos; ac
- (d) cyfnod o absenoldeb o ddim mwy na 52 wythnos, sy’n cychwyn gyda’r diwrnod cyfan cyntaf o’r absenoldeb hwnnw pan fo, a chyhyd â bo—
 - (i) y person yn bwriadu dychwelyd i’r annedd;
 - (ii) y rhan o’r annedd lle mae’r person hwnnw’n preswyllo fel arfer heb ei gosod neu ei his-osod;
 - (iii) y person yn berson y mae is-baragraff (3) yn gymwys iddo; a
 - (iv) y cyfnod o absenoldeb yn annhebygol o fod yn hwy na 52 wythnos neu, mewn amgylchiadau eithriadol, yn annhebygol o fod yn sylweddol hwy na’r cyfnod hwnnw.

(3) Mae’r is-baragraff yn gymwys i berson—

- (a) a gedwir yn y ddalfa ar remánd tra’n disgwyl treial, neu y gwneir yn ofynnol, fel amod mechnïaeth, ei fod yn preswyllo—

(2) In sub-paragraph (1), a “period of temporary absence” (“*cyfnod o absenoldeb*”) means—

- (a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as—
 - (i) the person resides in that accommodation;
 - (ii) the part of the dwelling in which the person usually resides is not let or sub-let; and
 - (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,
- (b) where the person has entered the accommodation for the purpose of ascertaining whether it suits the person’s needs and with the intention of returning to the dwelling if it proves not to suit the person’s needs;
- (c) a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as—
 - (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which the person usually resided is not let or sub-let; and
 - (iii) that period is unlikely to exceed 13 weeks; and
- (d) a period of absence not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as—
 - (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which the person usually resided is not let or sub-let;
 - (iii) the person is a person to whom sub-paragraph (3) applies; and
 - (iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

(3) This sub-paragraph applies to a person who—

- (a) is detained in custody on remand pending trial or required, as a condition of bail, to reside—

- (i) mewn annedd ac eithrio'r annedd y cyfeirir ati yn is-baragraff (1), neu
- (ii) mewn mangre a gymeradwyir o dan adran 13 o Ddeddf Rheoli Troseddwy'r 2007(1),

neu a gedwir yn y ddalfa tra'n disgwyl dedfryd ar ôl ei gollfarnu;

- (b) sy'n preswylio mewn ysbyty neu sefydliad cyffelyb, fel claf;
- (c) sy'n cael, neu y mae'i bartner neu blentyn dibynnol yn cael, triniaeth feddygol neu gyfnod gwella a gymeradwywyd yn feddygol, yn y Deyrnas Unedig neu yn rhywle arall, mewn llety ac eithrio llety preswyl;
- (d) sy'n dilyn cwrs hyfforddi, yn y Deyrnas Unedig neu yn rhywle arall;
- (e) sy'n ymgymryd â gofal, a gymeradwywyd yn feddygol, person sy'n preswylio yn y Deyrnas Unedig neu yn rhywle arall;
- (f) sy'n ymgymryd â gofal plentyn y mae'i riant neu'i warcheidwad yn absennol dros dro o'r annedd a feddiennir fel arfer gan y riant neu'r gwarcheidwad hwnnw at y diben o gael gofal a gymeradwywyd yn feddygol neu driniaeth feddygol;
- (g) sydd, yn y Deyrnas Unedig neu yn rhywle arall, yn cael gofal a gymeradwywyd yn feddygol, mewn llety ac eithrio llety preswyl;
- (h) sy'n fyfyrwr;
- (i) sy'n cael gofal a ddarperir mewn llety preswyl ac nad yw'n berson y mae is-baragraff (2)(a) yn gymwys iddo; neu
- (j) sydd wedi gadael yr annedd y mae'r person yn preswylio ynddi oherwydd ei fod yn ofni trais, naill ai yn yr annedd honno neu gan berson a oedd gynt yn aelod o deulu y person hwnnw.

(4) Mae'r is-baragraff hwn yn gymwys i berson—

- (a) a gedwir yn y ddalfa tra'n disgwyl dedfryd ar ôl ei gollfarnu neu o dan ddedfryd a osodwyd gan lys (ac eithrio person a gedwir mewn ysbyty o dan ddarpariaethau Deddf Iechyd Meddwl 1983(2), neu, yn yr Alban, o dan ddarpariaethau Deddf Iechyd Meddwl (Gofal a Thriniaeth) (Yr Alban) 2003(3) neu Ddeddf Gweithdrefn Droseddol (Yr Alban)

- (i) in a dwelling, other than the dwelling referred to in sub-paragraph (1); or
- (ii) in premises approved under section 13 of the Offender Management Act 2007(1);

or is detained in custody pending sentence upon conviction;

- (b) is resident in a hospital or similar institution as a patient;
- (c) is undergoing, or whose partner or dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) is following, in the United Kingdom or elsewhere, a training course;
- (e) is undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
- (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
- (g) is, in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
- (h) is a student;
- (i) is receiving care provided in residential accommodation and is not a person to whom sub-paragraph (2)(a) applies; or
- (j) has left the dwelling the person resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of that person.

(4) This sub-paragraph applies to a person who is—

- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983(2), or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003(3) or the Criminal Procedure (Scotland) Act 1995(4), or in Northern Ireland, under

(1) 2007 p.21.
 (2) 1983 p.20.
 (3) 2003 dsa 13.

(1) 2007 c.21.
 (2) 1983 c.20.
 (3) 2003 asp 13.
 (4) 1995 c.46.

1995(1) neu, yng Ngogledd Iwerddon, o dan Erthygl 4 neu 12 o Orchymyn Iechyd Meddwl (Gogledd Iwerddon)1986(2)); a

- (b) wedi ei ryddhau dros dro o'r ddalfa yn unol â Rheolau a wnaed o dan ddarpariaethau Deddf Carchardai 1952(3) neu Ddeddf Carchardai (Yr Alban) 1989(4).

(5) Pan fo is-baragraff (4) yn gymwys i berson, yna, ar gyfer unrhyw ddiwrnod pan fo'r person hwnnw yn rhydd dros dro—

- (a) os digwyddodd cyfnod o absenoldeb dros dro o dan is-baragraff (2)(b) neu (c) yn union cyn y cyfryw ryddhad dros dro, rhaid trin y person hwnnw at ddibenion is-baragraff (1) fel pe bai'r person hwnnw'n parhau i fod yn absennol o'r annedd, er gwaethaf unrhyw ddychweliad i'r annedd;
- (b) at ddibenion is-baragraff (3)(a), rhaid trin y person hwnnw fel pe bai'n parhau yn y ddalfa;
- (c) os nad yw'r person hwnnw'n dod o fewn paragraff (a), rhaid peidio ag ystyried y person hwnnw'n berson sy'n atebol i dalu treth gyngor mewn perthynas ag annedd lle mae'r person hwnnw'n breswylydd.

(6) Yn y paragraff hwn—

ystyr “a gymeradwywyd yn feddygol” (“*medically approved*”) yw ardystiedig gan ymarferydd meddygol;

ystyr “claf” (“*patient*”) yw person sy'n cael triniaeth feddygol neu driniaeth arall fel claf mewnol mewn unrhyw ysbyty neu sefydliad cyffelyb;

ystyr “llety preswyl” (“*residential accommodation*”) yw llety a ddarperir mewn—

- (a) cartref gofal;
- (b) ysbyty annibynnol;
- (c) Cartref Abbeyfield; neu
- (d) sefydliad a reolir neu a ddarperir gan gorff a gorfforwyd gan Siarter Brenhinol neu a gyfansoddwyd gan Ddeddf Seneddol, ac eithrio awdurdod gwasanaethau cymdeithasol lleol;

ystyr “cwrs hyfforddi” (“*training course*”) yw cwrs o hyfforddiant neu gyfarwyddyd a ddarperir yn gyfan gwbl neu'n rhannol gan, neu ar ran, neu'n unol â threfniadau a wnaed gyda,

Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986(1); and

- (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952(2) or the Prisons (Scotland) Act 1989(3).

(5) Where sub-paragraph (4) applies to a person, then, for any day when that person is on temporary release—

- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), that person must be treated, for the purposes of sub-paragraph (1), as if that person continues to be absent from the dwelling, despite any return to the dwelling;
- (b) for the purposes of sub-paragraph (3)(a), that person must be treated as if that person remains in detention;
- (c) if that person does not fall within paragraph (a), that person is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which that person is a resident.

(6) In this paragraph—

“medically approved” (“*a gymeradwywyd yn feddygol*”) means certified by a medical practitioner;

“patient” (“*claf*”) means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

“residential accommodation” (“*llety preswyl*”) means accommodation which is provided in—

- (a) a care home;
- (b) an independent hospital;
- (c) an Abbeyfield Home; or
- (d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;

“training course” (“*cwrs hyfforddi*”) means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on

(1) 1995 p.46.

(2) O.S. 1986/595 (G.I. 4).

(3) 1952 p.52.

(4) 1989 p.45.

(1) S.I. 1986/595 (N.I. 4).

(2) 1952 c.52.

(3) 1989 c.45.

neu a gymeradwywyd gan neu ar ran, Datblygu Sgiliau yr Alban, Menter yr Alban, Menter yr Ucheldiroedd a'r Ynysoedd, adran o'r llywodraeth, Gweinidogion Cymru neu'r Ysgrifennydd Gwladol.

RHAN 5

Dosbarthiadau o bersonau a eithrir o'r cynllun hwn

Dosbarthiadau o bersonau a eithrir o'r cynllun hwn

18. Nid oes hawl gan y dosbarthiadau o bersonau a ddisgrifir ym mharagraffau 19 i 22 i gael gostyngiad o dan y cynllun hwn.

Dosbarth o bersonau a eithrir o'r cynllun hwn: personau sydd i'w trin fel rhai nad ydynt ym Mhrydain Fawr

19.—(1) Mae'r dosbarth o bersonau a ddisgrifir yn y paragraff hwn yn cynnwys unrhyw berson sydd i'w drin fel rhywun nad yw ym Mhrydain Fawr.

(2) Ac eithrio pan fo person yn dod o fewn is-baragraff (5) neu (6), rhaid trin person fel rhywun nad yw ym Mhrydain Fawr os nad yw'r person hwnnw'n preswyllo fel arfer yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon.

(3) Rhaid peidio â thrin person fel rhywun sy'n preswyllo fel arfer yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon onid oes gan y person hwnnw hawl i breswyllo yn un o'r lleoedd hynny.

(4) At ddibenion is-baragraff (3), nid yw hawl i breswyllo yn cynnwys hawl sy'n bodoli yn rhinwedd, neu yn unol ag—

- (a) rheoliad 13 o'r Rheoliadau AEE neu Erthygl 6 o Gyfarwyddeb y Cyngor Rhif 2004/38/EC(1);
- (b) rheoliad 14 o'r Rheoliadau AEE, ond hynny yn unig mewn achos pan fo'r hawl yn bodoli o dan y rheoliad hwnnw oherwydd bod y person—
 - (i) yn geisiwr gwaith at ddibenion y diffiniad o "qualified person" yn rheoliad 6(1) o'r Rheoliadau hynny, neu
 - (ii) yn aelod o deulu (o fewn ystyr "family member" yn rheoliad 7 o'r Rheoliadau hynny) o'r cyfryw geisiwr gwaith;

behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department, the Welsh Ministers or the Secretary of State.

PART 5

Classes of person excluded from this scheme

Classes of person excluded from this scheme

18. The classes of person described in paragraphs 19 to 22 are not entitled to a reduction under this scheme.

Class of person excluded from this scheme: persons treated as not being in Great Britain

19.—(1) The class of person described in this paragraph consists of any person treated as not being in Great Britain.

(2) Except where a person falls within sub-paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

(3) A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.

(4) For the purposes of sub-paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with—

- (a) regulation 13 of the EEA Regulations or Article 6 of Council Directive No. 2004/38/EC(1);
- (b) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
 - (i) a jobseeker for the purpose of the definition of "qualified person" in regulation 6(1) of those Regulations, or
 - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;

(1) OJ Rhif L 158, 30.4.04, t. 77.

(1) OJ No. L 158, 30.4.04, p.77.

- (c) Erthygl 45 o'r Cytuniad ar Weithrediad yr Undeb Ewropeaidd (mewn achos pan fo person yn ceisio gwaith yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth yr Iwerddon); neu
- (d) rheoliad 15A(1) o'r Rheoliadau AEE, ond hynny yn unig mewn achos pan fo'r hawl yn bodoli o dan y rheoliad hwnnw oherwydd bod y ceisydd yn bodloni'r meini prawf ym mharagraff (4A) o'r rheoliad hwnnw neu Erthygl 20 o'r Cytuniad ar Weithrediad yr Undeb Ewropeaidd (mewn achos pan fo'r hawl i breswyllo yn codi oherwydd, fel arall, yr amddifedid dinesydd Prydeinig o wir fwynhau ei hawliau fel dinesydd yr Undeb Ewropeaidd)(1).

(5) Mae person yn dod o fewn yr is-baragraff hwn os yw—

- (a) yn berson cymwys at ddibenion rheoliad 6 o'r Rheoliadau AEE fel gweithiwr neu berson hunangyflogedig;
- (b) yn aelod o deulu person y cyfeirir ato ym mharagraff (a) yn yr ystyr a roddir i "family member" gan reoliad 7(1)(a), (b) neu (c) o'r Rheoliadau AEE;
- (c) yn berson sydd â hawl i breswyllo'n barhaol yn y Deyrnas Unedig yn rhinwedd rheoliad 15(1)(c), (d) neu (e) o'r Rheoliadau AEE;
- (d) yn berson a gofnodwyd gan yr Ysgrifennydd Gwladol fel ffoadur yn yr ystyr a roddir i "refugee" gan y diffiniad yn Erthygl 1 o'r Confensiwn ynghylch Statws Ffoaduriaid a fabwysiadwyd yng Ngenefa ar 28 Gorffennaf 1951, fel y'i hestynnwyd gan Erthygl 1(2) o'r Protocol ynghylch Statws Ffoaduriaid a fabwysiadwyd yn Efrog Newydd ar 31 Ionawr 1967;
- (e) yn berson y rhoddwyd caniatâd cyfyngedig iddo ddod i mewn i'r Deyrnas Unedig neu aros ynddi, y tu allan i ddarpariaethau'r rheolau a wnaed o dan adran 3(2) o Ddeddf Mewnfudo 1971(2), ar ôl gwrthod ei hawliad am loches;
- (f) yn berson sydd â diogelwch dyngarol a roddwyd o dan y rheolau hynny;
- (g) yn berson nad yw'n ddarostyngedig i reolaeth fewnfudo yn yr ystyr a roddir i "subject to immigration control" gan adran

- (c) Article 45 of the Treaty on the Functioning of the European Union (in a case where the person is seeking work in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland); or
- (d) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (4A) of that regulation or Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen)(1).

(5) A person falls within this sub-paragraph if the person is—

- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
- (b) a family member of a person referred to in paragraph (a) within the meaning of regulation 7(1)(a), (b) or (c) of the EEA Regulations;
- (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
- (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees adopted at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees adopted at New York on 31 January 1967;
- (e) a person granted limited leave to enter or remain in the United Kingdom outside the provisions of the rules made under section 3(2) of the Immigration Act 1971(2) on the rejection of their claim for asylum;
- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and

(1) Cyhoeddwyd fersiwn gydgrynoëdig o'r Cytuniad hwn yn y Cyfnodolyn Swyddogol ar 30.3.2010 C 83.

(2) 1971 p.77.

(1) A consolidated version of this Treaty was published in the Official Journal on 30.3.2010 C 83.

(2) 1971 c.77.

115(9) o Ddeddf Mewnfudo a Lloches 1999(1) ac sydd yn y Deyrnas Unedig o ganlyniad i allgludo neu ddiarddel y person hwnnw neu ei symud yn orfodol drwy gyfraith rywfodd arall, o wlad arall i'r Deyrnas Unedig;

- (h) yn berson ym Mhrydain Fawr sydd wedi gadael tiriogaeth Montserrat ar ôl 1 Tachwedd 1995 oherwydd effaith echdoriad folcanig ar y diriogaeth honno;
- (i) yn berson sydd—
 - (i) wedi cyrraedd Prydain Fawr ar neu ar ôl 28 Chwefror 2009 ond cyn 18 Mawrth 2011;
 - (ii) wedi bod yn preswyllo yn Zimbabwe yn union cyn cyrraedd Prydain Fawr; a
 - (iii) cyn gadael Zimbabwe wedi derbyn cynnig, a wnaed gan Lywodraeth Ei Mawrhydi, i gynorthwyo'r person hwnnw i symud i'r Deyrnas Unedig ac i setlo yno; neu
- (j) yn berson sy'n cael cymhorthdal incwm, lwfans ceisio gwaith ar sail incwm neu lwfans cyflogaeth a chymorth ar sail incwm.

(6) Mae person yn dod o fewn yr is-baragraff hwn os yw'n was y Goron neu'n aelod o luoedd Ei Mawrhydi a leolwyd dramor.

(7) Mae person a grybwyllir yn is-baragraff (6) wedi ei leoli dramor os yw'n cyflawni dyletswyddau gwas y Goron neu aelod o luoedd Ei Mawrhydi dramor ac yntau, yn union cyn y lleoliad neu'r cyntaf o leoliadau olynol, yn preswyllo fel arfer yn y Deyrnas Unedig.

(8) Yn y paragraff hwn—

mae i "hawliad am loches" yr un ystyr a roddir i "claim for asylum" yn adran 94(1) o Ddeddf Mewnfudo a Lloches 1999(2);

ystyr "Rheoliadau AEE" ("*EEA Regulations*") yw Rheoliadau Mewnfudo (Ardal Economaidd Ewropeaidd) 2006(3).

Dosbarth o bersonau a eithrir o'r cynllun hwn: personau sy'n ddarostyngedig i reolaeth fewnfudo

20.—(1) Yn ddarostyngedig i is-baragraff (2), nid oes hawl gan bersonau sy'n ddarostyngedig i reolaeth fewnfudo i gael gostyngiad o dan y cynllun hwn.

(1) 1999 p.33

(2) Gwnaed diwygiadau perthnasol i adran 94(1) gan adran 44 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002 (p.41) ond nid yw'r darpariaethau hynny mewn grym. Mae diwygiadau eraill wedi eu gwneud, nad ydynt yn berthnasol i'r Rheoliadau hyn.

(3) O.S. 2006/1003; yr offerynnau perthnasol sy'n diwygio yw O.S. 2011/544, 2012/1547, 2012/2560.

Asylum Act 1999(1) and who is in the United Kingdom as a result of the person's deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;

- (h) a person in Great Britain who left the territory of Montserrat after 1 November 1995 because of the effect on that territory of a volcanic eruption;
- (i) a person who—
 - (i) arrived in Great Britain on or after the 28 February 2009 but before 18 March 2011;
 - (ii) immediately before arriving there had been resident in Zimbabwe; and
 - (iii) before leaving Zimbabwe had accepted an offer, made by Her Majesty's Government, to assist that person to move to and settle in the United Kingdom; or
- (j) a person who is in receipt of income support, an income-based jobseeker's allowance or on an income-related employment and support allowance.

(6) A person falls within this sub-paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.

(7) A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.

(8) In this paragraph—

"claim for asylum" ("*hawliad am loches*") has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999(2);

"EEA Regulations" ("*Rheoliadau AEE*") means the Immigration (European Economic Area) Regulations 2006(3).

Class of person excluded from this scheme: persons subject to immigration control

20.—(1) Subject to sub-paragraph (2), persons subject to immigration control are not entitled to a reduction under this scheme.

(1) 1999 c.33.

(2) Relevant amendments to section 94(1) have been made by section 44 of the Nationality, Immigration and Asylum Act 2002 (c.41) but those provisions are not in force. Other amendments have been made but they are not relevant to these Regulations.

(3) S.I. 2006/1003; relevant amending instruments are S.I. 2011/544, 2012/1547, 2012/2560.

(2) Nid yw person sy'n wladolyn o wladwriaeth sydd wedi cadarnhau y Confensiwn Ewropeaidd ar Gymorth Cymdeithasol a Meddygol (a fabwysiadwyd ym Mharis ar 11 Rhagfyr 1953) neu wladwriaeth sydd wedi cadarnhau Siarter Gymdeithasol Cyngor Ewrop (a arwyddwyd yn Turin ar 18 Hydref 1961) ac sy'n bresennol yn gyfreithlon yn y Deyrnas Unedig yn berson sy'n ddarostyngedig i reolaeth fewnfudo at ddibenion is-baragraff (1).

(3) Mae i "person sy'n ddarostyngedig i reolaeth fewnfudo" yr ystyr a roddir i "person subject to immigration control" yn adran 115(9) o Ddeddf Mewnfudo a Lloches 1999.

Dosbarth o bersonau a eithrir o'r cynllun hwn: terfyn cyfalaf

21.—(1) Mae'r dosbarth o bersonau a ddisgrifir yn y paragraff hwn yn cynnwys unrhyw berson y mae ei gyfalaf yn fwy nag £16,000.

(2) Rhaid cyfrifo cyfalaf at ddibenion is-baragraff (1) yn unol â Rhan 9 o'r cynllun hwn.

Dosbarth o bersonau a eithrir o'r cynllun hwn: myfyrwyr

22. Mae'r dosbarth o bersonau a ddisgrifir yn y paragraff hwn yn cynnwys unrhyw fyfyrwr y mae paragraff 72(1) o'r cynllun hwn yn gymwys iddo.

RHAN 6

Symiau cymwysadwy at y diben o gyfrifo cymhwystra am ostyngiad o dan y cynllun hwn a swm unrhyw ostyngiad

Symiau cymwysadwy: pensïynwyr (gan gynnwys pensïynwyr mewn priodasau amlbriod)

23.—(1) Y swm cymwysadwy ar gyfer pensïynwr(1) ar gyfer wythnos yw swm cyfanredol y cyfryw rai o'r symiau canlynol sy'n gymwys yn achos y person hwnnw—

- (a) swm mewn perthynas â'r person, neu os yw'r person hwnnw'n aelod o gwpl, swm mewn perthynas â'r ddau ohonynt, a benderfynir yn unol â pharagraff 1 o Atodlen 2 (Iwfans personol);
- (b) swm mewn perthynas ag unrhyw blentyn neu berson ifanc sy'n aelod o deulu'r person, a benderfynir yn unol â pharagraff 2

(1) Gan gynnwys pensïynwyr mewn priodasau amlbriod, yn rhinwedd paragraff 5 o'r cynllun hwn.

(2) A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (adopted in Paris on 11 December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18 October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purposes of sub-paragraph (1).

(3) "Person subject to immigration control" ("*person sy'n ddarostyngedig i reolaeth fewnfudo*") has the meaning given in section 115(9) of the Immigration and Asylum Act 1999.

Class of person excluded from this scheme: capital limit

21.—(1) The class of person described in this paragraph consists of any person whose capital exceeds £16,000(1).

(2) Capital for the purposes of sub-paragraph (1) is to be calculated in accordance with Part 9 of this scheme.

Class of person excluded from this scheme: students

22. The class of person described in this paragraph consists of any student to whom paragraph 72(1) of this scheme applies.

PART 6

Applicable amounts for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

Applicable amounts: pensioners (including pensioners in polygamous marriages)

23.—(1) The applicable amount for a pensioner(2) for a week is the aggregate of such of the following amounts as apply in that person's case—

- (a) an amount in respect of the person, or if that person is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 of Schedule 2 (personal allowance);
- (b) an amount in respect of any child or young person who is a member of the person's family, determined in accordance with

(1) See Part 9, Chapters 1 to 7, of this scheme in relation to the capital of an applicant and the calculation of tariff income from capital.

(2) Including pensioners in polygamous marriages, by virtue of paragraph 5 of this scheme.

o'r Atodlen honno (symiau plentyn neu berson ifanc);

- (c) os yw'r person yn aelod o deulu y mae o leiaf un aelod ohono yn blentyn neu'n berson ifanc, swm a benderfynir yn unol â pharagraff 3 o'r Atodlen honno (premiwm teulu);
- (d) swm unrhyw bremiymau a allai fod yn gymwys i'r person, a benderfynir yn unol â Rhannau 3 a 4 o'r Atodlen honno (premiymau).

(2) Yn Atodlen 2—

ystyr “priod ychwanegol” (“*additional spouse*”) yw priod y naill barti i'r briodas neu'r llall sy'n ychwanegol at y parti arall i'r briodas;

ystyr “claf” (“*patient*”) yw person (ac eithrio person sy'n gwneud dedfryd o garchar neu'n cael ei gadw'n gaeth mewn sefydliad cadw ar gyfer pobl ifanc) yr ystyrir ei fod yn cael triniaeth ddi-dâl fel claf mewnol yn yr ystyr a roddir i “receiving free in-patient treatment” gan reoliad 2(4) a (5) o Reoliadau Nawdd Cymdeithasol (Cleifion Mewnol mewn Ysbytai) 2005(1).

Symiau cymwysadwy: personau nad ydynt yn bensiynwyr

24.—(1) Yn ddarostyngedig i baragraffau 25 a 26, y swm cymwysadwy ar gyfer wythnos ar gyfer person nad yw yn bensiynwr yw swm cyfanredol y cyfryw rai o'r symiau canlynol sy'n gymwys yn achos y person hwnnw—

- (a) swm mewn perthynas â'r person, neu os yw'r person hwnnw'n aelod o gwpl, swm mewn perthynas â'r ddau ohonynt, a benderfynir yn unol â pharagraff 1 o Atodlen 3 (lwfansau personol);
- (b) swm mewn perthynas ag unrhyw blentyn neu berson ifanc sy'n aelod o deulu'r person, a benderfynir yn unol â pharagraff 3 o'r Atodlen honno (symiau plentyn neu berson ifanc);
- (c) os yw'r person yn aelod o deulu y mae o leiaf un aelod ohono yn blentyn neu'n berson ifanc, swm a benderfynir yn unol â Rhan 2 o'r Atodlen honno (premiwm teulu);
- (d) swm unrhyw bremiymau a allai fod yn gymwys i'r person, a benderfynir yn unol â Rhannau 3 a 4 o'r Atodlen honno (premiymau);

paragraph 2 of that Schedule (child or young person amounts);

- (c) if the person is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of that Schedule (family premium);
- (d) the amount of any premiums which may be applicable to the person, determined in accordance with Parts 3 and 4 of that Schedule (premiums).

(2) In Schedule 2—

“additional spouse” (“*priod ychwanegol*”) means a spouse of either party to the marriage who is additional to the other party to the marriage;

“patient” (“*claf*”) means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005(1).

Applicable amounts: persons who are not pensioners

24.—(1) Subject to paragraphs 25 and 26, the applicable amount for a week for a person who is not a pensioner is the aggregate of such of the following amounts as may apply in the person's case—

- (a) an amount in respect of the person or, if that person is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 of Schedule 3 (personal allowances);
- (b) an amount in respect of any child or young person who is a member of the person's family, determined in accordance with paragraph 3 of that Schedule (child or young person amounts);
- (c) if the person is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part 2 of that Schedule (family premium);
- (d) the amount of any premiums which may be applicable to the person, determined in accordance with Parts 3 and 4 of that Schedule (premiums);

(1) O.S. 2005/3360.

(1) S.I. 2005/3360.

- (e) y swm o naill ai—
 - (i) yr elfen gweithgaredd perthynol i waith; neu
 - (ii) yr elfen gymorth,
- (f) a allai fod yn gymwys i'r person yn unol â Rhannau 5 a 6 o'r Atodlen honno (yr elfennau);
- (g) swm unrhyw ychwanegiad trosiannol a allai fod yn gymwys i'r person yn unol â Rhannau 7 ac 8 o'r Atodlen honno (ychwanegiad trosiannol).

(2) Yn Atodlen 3—

ystyr “priod ychwanegol” (“*additional spouse*”) yw priod y naill barti i'r briodas neu'r llall sy'n ychwanegol at y parti arall i'r briodas;

ystyr “lwfans cyflogaeth a chymorth a droswyd” (“*converted employment and support allowance*”) yw lwfans cyflogaeth a chymorth nad yw ar sail incwm ac y mae hawl gan berson i'w gael o ganlyniad i benderfyniad trosi yn yr ystyr a roddir i “conversion decision” gan Reoliadau Lwfans Cyflogaeth a Chymorth 2008(1);

ystyr “claf” (“*patient*”) yw person (ac eithrio person sy'n gwneud dedfryd o garchar neu'n cael ei gadw'n gaeth mewn sefydliad cadw ar gyfer pobl ifanc) yr ystyrir ei fod yn cael triniaeth ddi-dâl fel claf mewnol yn yr ystyr a roddir i “receiving free in-patient treatment” gan reoliad 2(4) a (5) o Reoliadau Nawdd Cymdeithasol (Cleifion Mewnol mewn Ysbytai) 2005(2).

Priodasau amlbriod: personau nad ydynt yn bensiynwyr

25.—(1) Mae'r paragraff hwn yn gymwys pan fo ceisydd nad yw'n bensiynwr yn aelod o briodas amlbriod, ac nad oes ganddo (ar ei ben ei hunan nac ar y cyd â pharti i briodas) ddyfarniad o gredyd cynhwysol.

(2) Y swm cymwysadwy ar gyfer wythnos ar gyfer ceisydd y mae'r paragraff hwn yn gymwys iddo yw swm cyfanredol y cyfryw rai o'r symiau canlynol sy'n gymwys yn achos y ceisydd hwnnw—

- (a) y swm sy'n gymwys i'r ceisydd ac un o bartneriaid y ceisydd a benderfynir yn unol â pharagraff 1(3) o Atodlen 3 (cwpl) fel pe bai'r ceisydd a'r partner hwnnw yn gwpl;

(1) O.S. 2008/794.
 (2) O.S. 2005/3360.

- (e) the amount of either the—
 - (i) work-related activity component; or
 - (ii) support component,
- (f) which may be applicable to the person in accordance with Parts 5 and 6 of that Schedule (the components);
- (g) the amount of any transitional addition which may be applicable to the person in accordance with Parts 7 and 8 of that Schedule (transitional addition).

(2) In Schedule 3—

“additional spouse” (“*priod ychwanegol*”) means a spouse of either party to the marriage who is additional to the other party to the marriage;

“converted employment and support allowance” (“*lwfans cyflogaeth a chymorth a droswyd*”) means an employment and support allowance which is not income-related and to which a person is entitled as a result of a conversion decision within the meaning of the Employment and Support Allowance (Existing Awards) Regulations 2008(1);

“patient” (“*claf*”) means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005(2).

Polygamous marriages: persons who are not pensioners

25.—(1) This paragraph applies where an applicant who is not a pensioner is a member of a polygamous marriage and does not have (alone or jointly with a party to a marriage), an award of universal credit.

(2) The applicable amount for a week of an applicant where this paragraph applies is the aggregate of such of the following amounts as may apply in that applicant's case—

- (a) the amount applicable to the applicant and one of the applicant's partners determined in accordance with paragraph 1(3) of Schedule 3 (couple) as if the applicant and that partner were a couple;

(1) S.I. 2008/794.
 (2) S.I. 2005/3360.

- (b) swm sy'n hafal i'r gwahaniaeth rhwng y symiau a bennir yn is-baragraffau (3) ac (1)(b) o baragraff 1 o'r Atodlen honno mewn perthynas â phob un o bartneriaid eraill y ceisydd;
 - (c) swm a benderfynir yn unol â pharagraff 3 o'r Atodlen honno (symiau plentyn neu berson ifanc) mewn perthynas ag unrhyw blentyn neu berson ifanc y mae'r ceisydd neu bartner y ceisydd yn gyfrifol amdano ac sy'n aelod o'r un aelwyd;
 - (d) os yw'r ceisydd neu bartner arall o'r briodas amlbriod yn gyfrifol am blentyn neu berson ifanc sy'n aelod o'r un aelwyd, y swm a bennir yn Rhan 2 o'r Atodlen honno (premiwm teulu);
 - (e) swm unrhyw bremiymau a allai fod yn gymwys i'r ceisydd, a benderfynir yn unol â Rhannau 3 a 4 o'r Atodlen honno (premiymau);
 - (f) swm naill ai—
 - (i) yr elfen gweithgaredd perthynol i waith; neu
 - (ii) yr elfen gymorth;
- a allai fod yn gymwys i'r ceisydd yn unol â Rhannau 5 a 6 o'r Atodlen honno (yr elfennau);
- (g) swm unrhyw ychwanegiad trosiannol a allai fod yn gymwys i'r ceisydd yn unol â Rhannau 7 ac 8 o'r Atodlen honno (ychwanegiad trosiannol).

- (b) an amount equal to the difference between the amounts specified in sub-paragraphs (3) and (1)(b) of paragraph 1 of that Schedule in respect of each of the applicant's other partners;
- (c) an amount determined in accordance with paragraph 3 of that Schedule (child or young person amounts) in respect of any child or young person for whom the applicant or a partner of the applicant is responsible and who is a member of the same household;
- (d) if the applicant or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in Part 2 of that Schedule (family premium);
- (e) the amount of any premiums which may be applicable to the applicant determined in accordance with Parts 3 and 4 of that Schedule (premiums);
- (f) the amount of either the—
 - (i) work-related activity component; or
 - (ii) support component,
 which may be applicable to the applicant in accordance with Parts 5 and 6 of that Schedule (the components);
- (g) the amount of any transitional addition which may be applicable to the applicant in accordance with Parts 7 and 8 of that Schedule (transitional addition).

Swm cymwysadwy: personau nad ydynt yn bensiynwyr, sydd â dyfarniad o gredyd cynhwysol

26.—(1) Yn ddarostyngedig i is-baragraff (2), wrth benderfynu'r swm cymwysadwy ar gyfer wythnos ar gyfer ceisydd nad yw'n bensiynwr—

- (a) sydd ganddo, neu
- (b) sydd ganddo (ar y cyd â phartner),

ddyfarniad o gredyd cynhwysol, rhaid i'r awdurdod ddefnyddio'r cyfrifiad neu'r amcangyfrif o swm uchaf y ceisydd, neu'r ceisydd ar y cyd â phartner y ceisydd (yn ôl fel y digwydd), yn ddarostyngedig i'r addasiad a ddisgrifir yn is-baragraff (3).

(2) Wrth benderfynu'r swm cymwysadwy ar gyfer wythnos ar gyfer ceisydd sy'n aelod o briodas amlbriod, rhaid diystyru'r ffaith bod dau o bobl yn wŷr a gwraig os yw—

- (a) un ohonynt yn barti i briodas gynharach sy'n bodoli o hyd; a
- (b) y parti arall i'r briodas gynharach honno yn byw ar yr un aelwyd.

Applicable amount: persons who are not pensioners who have an award of universal credit

26.—(1) Subject to sub-paragraph (2), in determining the applicable amount for a week of an applicant who is not a pensioner—

- (a) who has, or
- (b) who (jointly with a partner) has,

an award of universal credit, the authority will use the calculation or estimate of the maximum amount of the applicant, or the applicant and the applicant's partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (3).

(2) In determining the applicable amount for a week of an applicant who is a member of a polygamous marriage, the fact that two people are husband and wife is to be disregarded if—

- (a) one of them is a party to an earlier marriage that still subsists; and
- (b) the other party to that earlier marriage is living in the same household.

(3) Yr addasiad y cyfeirir ato yn is-baragraff (1) yw lluosu'r swm uchaf gyda 12 a rhannu'r lluoswm gyda 52.

(4) Yn y paragraff hwn ystyr "swm uchaf" ("*maximum amount*") yw'r swm uchaf a gyfrifwyd gan yr Ysgrifennydd Gwladol yn unol ag adran 8(2) o Ddeddf Diwygio Lles 2012(1).

(3) The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.

(4) In this paragraph "maximum amount" ("*swm uchaf*") means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012(1).

(1) 2012 p.5.

(1) 2012 c.5.

RHAN 7

Uchafswm y gostyngiad treth gyngor at ddibenion cyfrifo cymhwystra am ostyngiad o dan y cynllun hwn a swm unrhyw ostyngiad

Uchafswm y gostyngiad treth gyngor o dan y cynllun hwn: pensiynwyr a phersonau nad ydynt yn bensiynwyr

27.—(1) Yn ddarostyngedig i is-baragraffau (2) i (4), uchafswm gostyngiad treth gyngor person mewn perthynas â diwrnod yw 100 y cant o'r swm A/B, os—

- (a) A yw'r swm a bennir gan yr awdurdod fel y dreth gyngor ar gyfer y flwyddyn ariannol berthnasol mewn perthynas â'r annedd y mae'r person yn preswyllo ynddi ac y mae'r person yn atebol amdano, yn ddarostyngedig i unrhyw ddisgownt a allai fod yn briodol i'r annedd honno o dan Ddeddf 1992; a
- (b) B yw nifer y diwrnodau yn y flwyddyn ariannol honno,

llai unrhyw ddiydyniadau mewn perthynas ag annibynyddion sydd i'w gwneud o dan baragraff 28 (diydyniadau annibynyddion: pensiynwyr a phersonau nad ydynt yn bensiynwyr).

(2) Wrth gyfrifo uchafswm gostyngiad treth gyngor person o dan y cynllun hwn, rhaid cymryd i ystyriaeth unrhyw ostyngiad yn y swm y mae'r person hwnnw'n atebol i'w dalu mewn perthynas â'r dreth gyngor a wnaed o ganlyniad i unrhyw ddeddfiad yn Neddf 1992, neu ddeddfiad a wnaed o dan y Ddeddf honno (ac eithrio gostyngiad o dan y cynllun hwn).

(3) Yn ddarostyngedig i is-baragraff (4), pan fo ceisydd yn atebol ar y cyd ac yn unigol am dreth gyngor mewn perthynas ag annedd y mae'r ceisydd yn preswyllo ynddi gydag un neu ragor o bersonau eraill, wrth benderfynu'r uchafswm gostyngiad treth gyngor yn achos y ceisydd yn unol ag is-baragraff (1), rhaid rhannu'r swm A gyda nifer y personau sy'n atebol ar y cyd ac yn unigol am y dreth honno.

(4) Pan fo ceisydd yn atebol ar y cyd ac yn unigol am dreth gyngor mewn perthynas ag annedd gyda phartner yn unig, nid yw is-baragraff (3) yn gymwys yn achos y ceisydd hwnnw.

(5) Nid yw'r cyfeiriad yn is-baragraff (3) at berson y mae ceisydd yn atebol ar y cyd ag ef ac yn unigol am dreth gyngor yn cynnwys myfyriwr y mae paragraff 72(1) (myfyriwr a eithrir o hawlogaeth i ostyngiad o dan y cynllun hwn) yn gymwys iddo.

(6) Yn y paragraff hwn, ystyr "blwyddyn ariannol berthnasol" ("*relevant financial year*"), mewn

PART 7

Maximum council tax reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

Maximum council tax reduction under this scheme: pensioners and persons who are not pensioners

27.—(1) Subject to sub-paragraphs (2) to (4), the amount of a person's maximum council tax reduction in respect of a day is 100 per cent of the amount A/B where—

- (a) A is the amount set by the authority as the council tax for the relevant financial year in respect of the dwelling in which the person is a resident and for which the person is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and
- (b) B is the number of days in that financial year,

less any deductions in respect of non-dependants which fall to be made under paragraph 28 (non-dependant deductions: pensioners and persons who are not pensioners).

(2) In calculating a person's maximum council tax reduction under this scheme any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act (other than a reduction under this scheme), is to be taken into account.

(3) Subject to sub-paragraph (4), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which the applicant is resident with one or more other persons, in determining the maximum council tax reduction in the applicant's case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.

(4) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only a partner, sub-paragraph (3) does not apply in that applicant's case.

(5) The reference in sub-paragraph (3) to a person with whom an applicant is jointly and severally liable for council tax, where the applicant is a person who is not a pensioner, does not include a student to whom paragraph 72(1) (students who are excluded from entitlement to a reduction under this scheme) applies.

(6) In this paragraph "relevant financial year" ("*blwyddyn ariannol berthnasol*") means, in relation

perthynas ag unrhyw ddiwrnod penodol, yw'r flwyddyn ariannol y mae'r diwrnod hwnnw'n digwydd ynddi.

Didyniadau annibynnyddion: pensïynwyr a phersonau nad ydynt yn bensiynwyr

28.—(1) Yn ddarostyngedig i ddarpariaethau canlynol y paragraff hwn, y didyniadau annibynnyddion mewn perthynas â diwrnod, y cyfeirir atynt ym mharagraff 27 yw—

- (a) mewn perthynas ag annibynnydd 18 mlwydd oed neu'n hŷn sy'n gweithio am dâl, £10.95 x $\frac{1}{7}$;
- (b) mewn perthynas ag annibynnydd 18 mlwydd oed neu'n hŷn nad yw paragraff (a) yn gymwys iddo, £3.65 x $\frac{1}{7}$.

(2) Yn achos annibynnydd 18 mlwydd oed neu'n hŷn y mae is-baragraff (1)(a) yn gymwys iddo, os dangosir i'r awdurdod fod incwm wythnosol gros arferol yr annibynnydd hwnnw—

- (a) yn llai na £186.00, y didyniad sydd i'w wneud o dan y paragraff hwn yw'r didyniad a bennir yn is-baragraff (1)(b);
- (b) yn ddim llai na £186.00 ond yn llai na £322.00, y didyniad sydd i'w wneud o dan y paragraff hwn yw £7.25 x $\frac{1}{7}$;
- (c) yn ddim llai na £322.00 ond yn llai na £401.00, y didyniad sydd i'w wneud o dan y paragraff hwn yw £9.15 x $\frac{1}{7}$.

(3) Un didyniad yn unig sydd i'w wneud o dan y paragraff hwn mewn perthynas â chwpl neu, yn ôl fel y digwydd, mewn perthynas ag aelodau priodas amlbriod (ac eithrio os oes dyfarniad o gredyd cynhwysol), ac os byddai'r swm y byddid yn ei ddidynnu mewn perthynas ag un aelod o gwpl neu o briodas amlbriod, oni bai am y paragraff hwn, yn uwch na'r swm (os oes swm) y byddid yn ei ddidynnu mewn perthynas â'r aelod arall, neu unrhyw aelod arall, rhaid didynnu'r swm uchaf.

(4) Wrth gymhwyso darpariaethau is-baragraff (2) yn achos cwpl, neu, yn ôl fel y digwydd, priodas amlbriod, at ddibenion yr is-baragraff hwnnw rhaid rhoi sylw i incwm gros wythnosol y cwpl ar y cyd neu, yn ôl fel y digwydd, incwm gros wythnosol holl aelodau'r briodas amlbriod.

(5) Mewn perthynas â diwrnod, os yw—

- (a) person yn breswlydd mewn annedd, ond nad yw'r person hwnnw'n atebol am dreth gyngor mewn perthynas â'r annedd honno a'r diwrnod hwnnw;
- (b) preswylwyr eraill yn yr annedd honno (y personau atebol) yn atebol ar y cyd ac yn unigol am dreth gyngor mewn perthynas â'r

to any particular day, the financial year within which the day in question falls.

Non-dependant deductions: pensioners and persons who are not pensioners

28.—(1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 27 are—

- (a) in respect of a non-dependant aged 18 or over in remunerative work, £10.95 x $\frac{1}{7}$;
- (b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply, £3.65 x $\frac{1}{7}$.

(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the authority that that non-dependant's normal gross weekly income is—

- (a) less than £186.00, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);
- (b) not less than £186.00 but less than £322.00, the deduction to be made under this paragraph is £7.25 x $\frac{1}{7}$;
- (c) not less than £322.00 but less than £401.00, the deduction to be made under this paragraph is £9.15 x $\frac{1}{7}$.

(3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage (other than where there is an award of universal credit) and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount is to be deducted.

(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where in respect of a day—

- (a) a person is a resident in a dwelling but that person is not liable for council tax in respect of that dwelling and that day;
- (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and

annedd honno a'r diwrnod hwnnw, ac eithrio yn rhinwedd adran 9 o Ddeddf 1992 (atebolrwydd gwŷr priod a gwragedd priod, a phartneriaid sifil); ac

- (c) y person y mae paragraff (a) yn cyfeirio ato yn annibynnydd dau neu ragor o'r personau atebol,

rhaid dosrannu'r didyniad mewn perthynas â'r annibynnydd hwnnw yn gyfartal rhwng y personau atebol hynny.

(6) Rhaid peidio â gwneud unrhyw ddidyniad mewn perthynas ag annibynnyddion sy'n meddiannu annedd y ceisydd os yw'r ceisydd neu bartner y ceisydd—

- (a) yn ddall neu'n cael ei drin fel pe bai'n ddall yn rhinwedd paragraff 10 o Atodlen 3 (amod ychwanegol ar gyfer y premiwm anabledl); neu
- (b) yn cael, mewn perthynas â'r ceisydd—
- (i) lwfans gweini, neu byddai'n cael y lwfans hwnnw oni bai am—
- (aa) atal budd-dal dros dro yn unol â rheoliadau o dan adran 113(2) o DCBNC; neu
- (bb) lleihad o ganlyniad i draddodi i'r ysbyty; neu
- (ii) elfen ofal y lwfans byw i'r anabl, neu byddai'n cael yr elfen honno oni bai am—
- (aa) atal budd-dal dros dro yn unol â rheoliadau o dan adran 113(2) o DCBNC; neu
- (bb) lleihad o ganlyniad i draddodi i'r ysbyty; neu
- (iii) elfen byw dyddiol y taliad annibyniaeth bersonol, neu byddai'n cael y lwfans hwnnw oni bai am atal budd-dal dros dro yn unol â rheoliadau o dan adran 86 o Ddeddf Diwygio Lles 2012(1) (cleifion mewnol mewn ysbyty); neu
- (iv) TALIA, neu byddai'n cael y taliad hwnnw oni bai am ei atal dros dro yn unol ag unrhyw delerau cynllun digolledu'r lluoedd arfog a'r lluoedd wrth gefn sy'n caniatáu ataliad dros dro oherwydd bod person yn cael triniaeth feddygol mewn ysbyty neu sefydliad cyffelyb.

(7) Rhaid peidio â gwneud didyniad mewn perthynas ag annibynnydd—

that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and

- (c) the person to whom paragraph (a) refers is a non-dependant of two or more of the liable persons,

the deduction in respect of that non-dependant must be apportioned equally between those liable persons.

(6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or the applicant's partner is—

- (a) blind or treated as blind by virtue of paragraph 10 of Schedule 3 (additional condition for the disability premium); or
- (b) receiving in respect of the applicant—
- (i) attendance allowance, or would be receiving that allowance but for—
- (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
- (bb) an abatement as a result of hospitalisation; or
- (ii) the care component of the disability living allowance, or would be receiving that component but for—
- (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
- (bb) an abatement as a result of hospitalisation; or
- (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012(1) (hospital in-patients); or
- (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.

(7) No deduction is to be made in respect of a non-dependant if—

- (a) er bod yr annibynnydd hwnnw yn preswyllo gyda'r ceisydd, os yw'n ymddangos i'r awdurdod fod cartref arferol yr annibynnydd hwnnw yn rhywle arall; neu
- (b) os yw'r annibynnydd yn cael lwfans hyfforddi a delir mewn cysylltiad â hyfforddiant ieuencid a sefydlwyd o dan adran 2 o Ddeddf Cyflogaeth a Hyfforddiant 1973(1) neu adran 2 o Ddeddf Menter a Threfi Newydd (Yr Alban) 1990(2); neu
- (c) os yw'r annibynnydd yn fyfyrwr amser llawn o fewn yr ystyr yn Rhan 10 (myfyrwr); neu
- (d) os nad yw'r annibynnydd yn preswyllo gyda'r ceisydd oherwydd bod yr annibynnydd wedi bod yn glaf am gyfnod hwy na 52 wythnos, ac at y dibenion hyn—
 - (i) mae i "claf" ("*patient*") yr ystyr a roddir ym mharagraff 17(6) o'r cynllun hwn, a
 - (ii) os yw person wedi bod yn glaf am ddau neu ragor o gyfnodau ar wahân, a wahenir gan un neu ragor o ysbeidiau nad oes yr un ohonynt yn hwy na 28 diwrnod, rhaid trin y person hwnnw fel pe bai wedi bod yn glaf yn barhaus am gyfnod sydd â'i hyd yn hafal i gyfanswm y cyfnodau ar wahân hynny.

(8) Rhaid peidio â gwneud didyniad mewn perthynas ag annibynnydd—

- (a) sydd ar gymhorthdal incwm, credyd pensiwn y wladwriaeth, lwfans ceisio gwaith ar sail incwm neu lwfans cyflogaeth a chymorth ar sail incwm; neu
- (b) y mae Atodlen 1 i Ddeddf 1992 yn gymwys iddo (personau a ddiystyrir at ddibenion disgownt); ond nid yw'r paragraff hwn yn gymwys i annibynnydd sy'n fyfyrwr y cyfeirir ato ym mharagraff 4 o'r Atodlen honno.

(9) Ar gyfer cymhwyso is-baragraff (2), rhaid diystyru o incwm gros wythnosol yr annibynnydd—

- (a) unrhyw lwfans gweini, lwfans byw i'r anabl neu daliad annibyniaeth bersonol neu TALIA a dderbynnir gan yr annibynnydd;

- (a) although that non-dependant resides with the applicant, it appears to the authority that that non-dependant's normal home is elsewhere; or
- (b) the non-dependant is in receipt of a training allowance paid in connection with youth training established under section 2 of the Employment and Training Act 1973(1) or section 2 of the Enterprise and New Towns (Scotland) Act 1990(2); or
- (c) the non-dependant is a full-time student within the meaning of Part 10 (Students); or
- (d) the non-dependant is not residing with the applicant because the non-dependant has been a patient for a period in excess of 52 weeks, and for these purposes—
 - (i) "patient" ("*claf*") has the meaning given in paragraph 17(6) of this scheme, and
 - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, that person is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.

(8) No deduction is to be made in respect of a non-dependant—

- (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income related employment and support allowance; or
- (b) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount); but this paragraph does not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.

(9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependant's weekly gross income—

- (a) any attendance allowance, disability living allowance, personal independence payment or AFIP received by the non-dependant;

(1) 1973 p.50; amnewidiwyd adran 2 gan adran 25 o Ddeddf Cyflogaeth 1988 (p.19) a diwygiwyd hi yn ddiweddarach gan adran 29 o Ddeddf Cyflogaeth 1989 (p.38) a Rhan 1 o Atodlen 7 i'r Ddeddf honno ac, mewn perthynas â'r Alban yn unig, adran 47 o Ddeddf Diwygio Undebau Llafur a Hawliau Cyflogaeth 1993 (p.19).

(2) 1990 p.35; diwygiwyd adran 2 gan adran 47 o Ddeddf Diwygio Undebau Llafur a Hawliau Cyflogaeth 1993 (p.19); erthygl 4 o O.S. 1999/1820 a pharagraff 100 o Atodlen 2 i'r offeryn hwnnw; a pharagraff 20 o Atodlen 26 i Ddeddf Cydraddoldeb 2010 (p.15).

(1) 1973 c.50; section 2 was substituted by section 25 of the Employment Act 1988 (c.19) and subsequently amended by section 29 of , and Part 1 of Schedule 7 to, the Employment Act 1989 (c.38) and, in relation to Scotland only, section 47 of the Trade Union Reform and Employment Rights Act 1993 (c.19).

(2) 1990 c.35; section 2 was amended by section 47 of the Trade Union Reform and Employment Rights Act 1993 (c.19); article 4 of, and paragraph 100 of Schedule 2 to, S.I. 1999/1820; and paragraph 20 of Schedule 26 to the Equality Act 2010 (c.15).

- (b) unrhyw daliad a wnaed o dan neu gan yr Ymddiriedolaethau, y Gronfa, Ymddiriedolaeth Eileen, MFET Limited, Cronfa Skipton, Sefydliad Caxton neu'r Gronfa Byw'n Annibynnol (2006) y byddid, pe bai incwm yr annibynnydd wedi ei gyfrifo o dan baragraff 51 (cyfrifo incwm ac eithrio enillion: personau nad ydynt yn bensiynwyr), wedi ei ddiystyru o dan baragraff 28 o Atodlen 7 (incwm mewn nwyddau neu wasanaethau);
- (c) unrhyw daliad y byddid, pe bai incwm yr annibynnydd wedi ei gyfrifo o dan baragraff 51 (cyfrifo incwm ac eithrio enillion: personau nad ydynt yn bensiynwyr), wedi ei ddiystyru o dan baragraff 41 o Atodlen 7 (taliadau a wneir o dan ymddiriedolaethau penodol a thaliadau penodol eraill).

- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which, had the non-dependant's income fallen to be calculated under paragraph 51 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 7 (income in kind); and
- (c) any payment which, had the non-dependant's income fallen to be calculated under paragraph 51 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 41 of Schedule 7 (payments made under certain trusts and certain other payments).

RHAN 8

Swm y gostyngiad o dan y cynllun hwn

Swm y gostyngiad o dan y cynllun hwn: Dosbarthiadau A i D

29.—(1) Pan fo hawl gan berson i gael gostyngiad o dan y cynllun hwn mewn perthynas â diwrnod, bydd swm y gostyngiad y mae hawl gan y person hwnnw i'w gael fel a ganlyn.

(2) Os yw'r person yn nosbarth A neu C, y swm hwnnw yw uchafswm y gostyngiad treth gyngor mewn perthynas â'r diwrnod yn achos y person hwnnw.

(3) Os yw'r person yn nosbarth B neu D, y swm hwnnw yw'r swm a gyrhaeddir drwy ddiynnu'r swm B o'r swm A pan fo "swm A" a "swm B" yn dwyn yr ystyron a roddir iddynt ym mharagraff 14(f) neu 16(f), yn ôl fel y digwydd.

RHAN 9

Incwm a chyfalaf at ddibenion cyfrifo cymhwystra am ostyngiad o dan y cynllun hwn, a swm unrhyw ostyngiad

PENNOD 1

Incwm a chyfalaf: cyffredinol

Cyfrifo incwm a chyfalaf: teulu'r ceisydd a phriodasau amlbriod

30.—(1) Rhaid cyfrifo incwm a chyfalaf—

- (a) ceisydd; a

PART 8

Amount of reduction under this scheme

Amount of reduction under this scheme: Classes A to D

29.—(1) Where a person is entitled to a reduction under this scheme in respect of a day, the amount of the reduction to which that person is entitled is as follows.

(2) Where the person is within class A or C, that amount is the amount which is the maximum council tax reduction in respect of the day in the person's case.

(3) Where the person is within class B or D, that amount is the amount found by deducting amount B from amount A, where "amount A" and "amount B" have the meanings given in paragraph 14(f) or 16(f), as the case may be.

PART 9

Income and capital for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

CHAPTER 1

Income and capital: general

Calculation of income and capital: applicant's family and polygamous marriages

30.—(1) The income and capital of—

- (a) an applicant; and

(b) unrhyw bartner y ceisydd hwnnw,
yn unol â darpariaethau'r Rhan hon.

(2) Rhaid trin incwm a chyfalaf unrhyw bartner y ceisydd fel pe bai'n incwm a chyfalaf y ceisydd, ac yn y Rhan hon, mae unrhyw gyfeiriad at y ceisydd yn gymwys yn yr un modd i unrhyw bartner y ceisydd hwnnw.

(3) Os yw ceisydd, neu bartner ceisydd, mewn priodas amlbriod â dau neu ragor o aelodau aelwyd y ceisydd—

- (a) rhaid trin y ceisydd fel pe bai'n meddu'r cyfalaf a'r incwm sy'n eiddo i unrhyw aelod o'r fath; a
- (b) rhaid cyfrifo incwm a chyfalaf yr aelod hwnnw yn unol â darpariaethau canlynol y Rhan hon, yn yr un modd ag ar gyfer y ceisydd.

Amgylchiadau pan fo cyfalaf ac incwm annibynnydd i gael eu trin fel eiddo i'r ceisydd

31.—(1) Mae is-baragraff (2) yn gymwys os yw'n ymddangos i'r awdurdod fod annibynnydd a cheisydd wedi ymuno mewn trefniadau er mwyn manteisio ar y cynllun hwn, a bod gan yr annibynnydd fwy o incwm a chyfalaf na'r ceisydd.

(2) Ac eithrio—

- (a) pan fo'r ceisydd yn bensiynwr ac yn cael credyd gwarant, neu
- (b) pan nad yw'r ceisydd yn bensiynwr, ac ar gymhorthdal incwm, lwfans ceisio gwaith ar sail incwm neu lwfans cyflogaeth a chymorth ar sail incwm,

rhaid i'r awdurdod drin y ceisydd fel pe bai'n meddu'r incwm a'r cyfalaf sy'n eiddo i'r annibynnydd hwnnw, ac mewn achos o'r fath rhaid diystyru unrhyw gyfalaf ac incwm y mae'r ceisydd yn eu meddu mewn gwirionedd.

(3) Os trinnir ceisydd fel pe bai'n meddu cyfalaf ac incwm sy'n eiddo i annibynnydd o dan is-baragraff (2), rhaid cyfrifo cyfalaf ac incwm yr annibynnydd hwnnw yn unol â darpariaethau canlynol y Rhan hon, yn yr un modd ag ar gyfer y ceisydd, ac at ddibenion y Rhan hon, rhaid dehongli unrhyw gyfeiriad at y "ceisydd" ("*applicant*"), oni fydd y cyd-destun yn mynnu'n wahanol, fel pe bai'n gyfeiriad at yr annibynnydd hwnnw.

(b) any partner of that applicant,

is to be calculated in accordance with the provisions of this Part.

(2) The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of that applicant.

(3) Where an applicant or the partner of an applicant is married polygamously to two or more members of the applicant's household—

- (a) the applicant must be treated as possessing capital and income belonging to each such member; and
- (b) the income and capital of that member is to be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

Circumstances in which capital and income of non-dependant is to be treated as applicant's

31.—(1) Sub-paragraph (2) applies where it appears to the authority that a non-dependant and an applicant have entered into arrangements in order to take advantage of this scheme and the non-dependant has more income and capital than the applicant.

(2) Except where—

- (a) the applicant is a pensioner and is on a guarantee credit, or
- (b) the applicant is not a pensioner and is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance,

the authority must treat the applicant as possessing income and capital belonging to that non-dependant and, in such a case, any capital and income which the applicant does possess is to be disregarded.

(3) Where an applicant is treated as possessing capital and income belonging to a non-dependant under sub-paragraph (2) the capital and income of that non-dependant will be calculated in accordance with the following provisions of this Part in like manner as for the applicant and, except where the context otherwise requires, any reference to the "applicant" ("*ceisydd*") is to be construed for the purposes of this Part as if it were a reference to that non-dependant.

PENNOD 2

Incwm a chyfalaf: pensïynwyr sy'n cael credyd gwarant neu gredyd cynilion

Pensïynwyr sy'n cael credyd gwarant

32. Yn achos ceisydd sy'n bensiynwr ac yn cael credyd gwarant, neu geisydd y mae'i bartner yn cael credyd gwarant, rhaid diystyru'r cyfan o gyfalaf ac incwm y ceisydd.

Cyfrifo incwm pensïynwr mewn achosion o gredyd cynilion yn unig

33.—(1) Wrth benderfynu incwm a chyfalaf ceisydd sy'n bensiynwr ac y mae ganddo, neu y mae gan ei bartner, ddyfarniad o gredyd pensiwn y wladwriaeth sy'n cynnwys y credyd cynilion yn unig, rhaid i awdurdod, yn ddarostyngedig i ddarpariaethau canlynol y paragraff hwn, ddefnyddio'r cyfrifiad neu'r amcangyfrif o incwm a chyfalaf y ceisydd neu, yn ôl fel y digwydd, incwm a chyfalaf partner y ceisydd, a wnaed gan yr Ysgrifennydd Gwladol at y diben o benderfynu'r dyfarniad o gredyd pensiwn y wladwriaeth(1).

(2) Os yw'r cyfrifiad neu'r amcangyfrif a ddarperir gan yr Ysgrifennydd Gwladol yn cynnwys swm a gymerwyd i ystyriaeth yn y penderfyniad hwnnw ar gyfer incwm net, ni chaiff yr awdurdod addasu'r swm hwnnw ac eithrio i'r graddau y mae'n angenrheidiol er mwyn cymryd i ystyriaeth—

- (a) swm unrhyw gredyd cynilion sy'n daladwy;
- (b) mewn perthynas ag unrhyw blant dibynnol y ceisydd, costau gofal plant a gymerir i ystyriaeth o dan baragraff 54(1)(c) (cyfrifo incwm ar sail wythnosol);
- (c) y swm uchaf a ddiystyrir o dan y cynllun hwn mewn perthynas ag—
 - (i) enillion unig riant; neu
 - (ii) taliadau cynnal, boed o dan orchymyn llys ai peidio, a wneir gan neu sy'n ddyledus gan—
 - (aa) partner blaenorol y ceisydd neu bartner blaenorol partner y ceisydd; neu
 - (bb) rhiant plentyn neu berson ifanc pan fo'r plentyn neu'r person ifanc hwnnw'n aelod o deulu'r ceisydd, ac eithrio pan y ceisydd neu

(1) *Gweler* paragraff 21 ynglŷn â'r terfyn cyfalaf ar gyfer cymhwysra, sef £16,000.

CHAPTER 2

Income and capital: pensioners in receipt of guarantee credit or savings credit

Pensioners in receipt of guarantee credit

32. In the case of an applicant who is a pensioner and who is in receipt, or whose partner is in receipt, of a guarantee credit, the whole of the applicant's capital and income must be disregarded.

Calculation of pensioner's income in savings credit only cases

33.—(1) In determining the income and capital of an applicant who is a pensioner and who has, or whose partner has, an award of state pension credit comprising only the savings credit, subject to the following provisions of this paragraph, the authority will use the calculation or estimate of the applicant's or as the case may be, the applicant's partner's income and capital made by the Secretary of State for the purpose of determining the award of state pension credit(1).

(2) Where the calculation or estimate provided by the Secretary of State includes an amount taken into account in that determination in respect of net income, the authority may only adjust that amount so far as necessary to take into account—

- (a) the amount of any savings credit payable;
- (b) in respect of any dependent children of the applicant, child care charges taken into account under paragraph 54(1)(c) (calculation of income on a weekly basis);
- (c) the higher amount disregarded under this scheme in respect of—
 - (i) lone parent's earnings; or
 - (ii) payments of maintenance, whether under a court order or not, which is made or due to be made by—
 - (aa) the applicant's former partner, or the applicant's partner's former partner; or
 - (bb) the parent of a child or young person where that child or young person is a member of the applicant's family except where

(1) *See* paragraph 21 for the capital limit for eligibility of £16,000.

bartner y ceisydd yw'r rhiant hwnnw;

- (d) unrhyw swm sydd i'w ddiystyru yn rhinwedd paragraff 10(1) o Atodlen 4 (symiau sydd i'w diystyru o enillion ceisydd);
- (e) incwm a chyfalaf unrhyw bartner y ceisydd a drinnir fel aelod o aelwyd y ceisydd o dan baragraff 8 (aelwydydd), i'r graddau nas cymerir i ystyriaeth wrth benderfynu incwm net y person sy'n hawlio credyd pensiwn y wladwriaeth;
- (f) paragraff 31 (amgylchiadau pan fo cyfalaf ac incwm annibynnydd i gael eu trin fel eiddo i'r ceisydd), os yw'r awdurdod yn penderfynu bod y ddarpariaeth yn gymwys yn achos y ceisydd;
- (g) pa bynnag ostyngiad pellach (os oes un) a ystyrir yn briodol gan yr awdurdod o dan adran 13A(1)(c) o Ddeddf 1992(1) (pŵer awdurdod bilio i ostwng y swm o'r dreth gyngor sy'n daladwy);
- (h) unrhyw swm sydd i'w ddiystyru yn rhinwedd paragraff 6 o Atodlen 4 (symiau sydd i'w diystyru o incwm ceisydd: pensiynewyr).

(3) Nid yw paragraffau 37 i 42 (cyfrifo incwm: pensiynewyr) a 54 i 58 (cyfrifo incwm: pensiynewyr a phersonau nad ydynt yn bensiynwyr) yn gymwys i swm yr incwm net sydd i'w gymryd i ystyriaeth o dan is-baragraff (1), ond maent yn gymwys (i'r graddau y maent yn berthnasol) at y diben o benderfynu unrhyw addasiadau yn y swm hwnnw a wneir gan yr awdurdod o dan is-baragraff (2).

(4) Pan fo is-baragraff (5) yn gymwys, rhaid i'r awdurdod gyfrifo cyfalaf y ceisydd yn unol â pharagraffau 60, 62 i 65 a 67 o'r cynllun hwn (cyfrifo cyfalaf: pensiynewyr).

(5) Mae'r is-baragraff hwn yn gymwys—

- (a) pan fo'r Ysgrifennydd Gwladol yn hysbysu'r awdurdod y penderfynwyd bod cyfalaf y ceisydd yn £16,000 neu'n llai, neu pan fo'r awdurdod yn penderfynu bod cyfalaf y ceisydd yn £16,000 neu'n llai;
- (b) pan fo cyfalaf y ceisydd, ar ôl gwneud y penderfyniad hwnnw, yn codi i fwy nag £16,000; ac
- (c) y cynnydd yn digwydd pan fo cyfnod incwm asesedig mewn grym, yn yr ystyr a roddir i "assessed income period" gan

that parent is the applicant or the applicant's partner;

- (d) any amount to be disregarded by virtue of paragraph 10(1) of Schedule 4 (sums disregarded from applicant's earnings);
- (e) the income and capital of any partner of the applicant who is treated as a member of the applicant's household under paragraph 8 (households), to the extent that it is not taken into account in determining the net income of the person claiming state pension credit;
- (f) paragraph 31 (circumstances in which capital and income of a non-dependant is to be treated as applicant's), if the authority determines that that provision applies in the applicant's case;
- (g) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act(1) (power of billing authority to reduce amount of council tax payable);
- (h) any amount to be disregarded by virtue of paragraph 6 of Schedule 4 (sums to be disregarded from applicant's income: pensioners).

(3) Paragraphs 37 to 42 (calculation of income: pensioners), and 54 to 58 (calculation of income: pensioners and persons who are not pensioners) do not apply to the amount of the net income to be taken into account under sub-paragraph (1), but do apply (so far as relevant) for the purpose of determining any adjustments to that amount which the authority makes under sub-paragraph (2).

(4) If sub-paragraph (5) applies, the authority must calculate the applicant's capital in accordance with paragraphs 60, 62 to 65 and 67 of this scheme (calculation of capital: pensioners).

(5) This sub-paragraph applies if—

- (a) the Secretary of State notifies the authority that the applicant's capital has been determined as being £16,000 or less or the authority determines the applicant's capital as being £16,000 or less;
- (b) subsequent to that determination the applicant's capital rises to more than £16,000; and
- (c) the increase occurs whilst there is in force an assessed income period within the

(1) Amnewidiwyd adran 13A gan adran 10 o Ddeddf Cyllid Llywodraeth Leol 2012 (p.17).

(1) Section 13A was substituted by section 10 of the Local Government Finance Act 2012 (c.17).

adrannau 6 a 9 o Ddeddf Credyd Pensiwn y Wladwriaeth 2002(1).

PENNOD 3

Incwm a chyfalaf pan fo dyfarniad o greddyd cynhwysol

Cyfrifo incwm a chyfalaf: personau nad ydynt yn bensiynwyr, sydd â dyfarniad o greddyd cynhwysol

34.—(1) Wrth benderfynu incwm ceisydd—

- (a) y mae ganddo, neu
- (b) y mae ganddo (ar y cyd â phartner),

ddyfarniad o greddyd cynhwysol, rhaid i awdurdod, yn ddarostyngedig i ddarpariaethau canlynol y paragraff hwn, ddefnyddio'r cyfrifiad neu'r amcangyfrif o incwm y ceisydd neu incwm y ceisydd a phartner y ceisydd ar y cyd (yn ôl fel y digwydd), a wnaed gan yr Ysgrifennydd Gwladol at y diben o benderfynu'r dyfarniad o greddyd cynhwysol.

(2) Rhaid i'r awdurdod addasu swm yr incwm y cyfeirir ato yn is-baragraff (1) drwy luosi'r swm gyda 12 a rhannu'r lluoswm gyda 52.

(3) Ni chaiff yr awdurdod addasu swm yr incwm fel y'i haddaswyd eisoes yn unol ag is-baragraff (2) ac eithrio i'r graddau y mae'n angenrheidiol er mwyn cymryd i ystyriaeth—

- (a) swm y dyfarniad o greddyd cynhwysol a benderfynwyd yn unol ag is-baragraff (4);
- (b) paragraff 31 (incwm a chyfalaf annibynnydd sydd i'w trin fel eiddo i'r ceisydd), os yw'r awdurdod yn penderfynu bod y ddarpariaeth yn gymwys yn achos y ceisydd;
- (c) pa bynnag ostyngiad pellach (os oes un) a ystyrir yn briodol gan yr awdurdod o dan adran 13A(1)(c) o Ddeddf 1992 (pŵer awdurdod bilio i leihau swm y dreth gyngor sy'n daladwy).

(4) Rhaid penderfynu'r swm ar gyfer y dyfarniad o greddyd cynhwysol sydd i'w gymryd i ystyriaeth at ddibenion is-baragraff (3)(a) drwy luosi swm y credyd cynhwysol gyda 12 a rhannu'r lluoswm gyda 52.

(5) Mae paragraff 31 (incwm a chyfalaf annibynnydd sydd i'w trin fel eiddo i'r ceisydd) yn gymwys at ddibenion penderfynu unrhyw addasiadau sydd i'w gwneud i'r ffigur ar gyfer incwm o dan is-baragraff (3).

(6) Wrth benderfynu cyfalaf ceisydd—

- (a) y mae ganddo, neu
- (b) y mae ganddo (ar y cyd â phartner),

(1) 2002 p.16.

meaning of sections 6 and 9 of the State Pension Credit Act 2002(1).

CHAPTER 3

Income and capital where there is an award of universal credit

Calculation of income and capital: persons who are not pensioners who have an award of universal credit

34.—(1) In determining the income of an applicant—

- (a) who has, or
- (b) who (jointly with a partner) has,

an award of universal credit the authority must, subject to the following provisions of this paragraph, use the calculation or estimate of the income of the applicant, or the applicant and the applicant's partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.

(2) The authority must adjust the amount of the income referred to in sub-paragraph (1) by multiplying the amount by 12 and dividing the product by 52.

(3) The authority must only adjust the amount of the income as adjusted in accordance with sub-paragraph (2) so far as necessary to take into account—

- (a) the amount of the award of universal credit, determined in accordance with sub-paragraph (4);
- (b) paragraph 31 (income and capital of non-dependant to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;
- (c) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable).

(4) The amount for the award of universal credit to be taken into account for the purposes of sub-paragraph (3)(a) is to be determined by multiplying the amount of the award of universal credit by 12 and dividing the product by 52.

(5) Paragraph 31 (income and capital of non-dependant to be treated as applicant's) applies for the purpose of determining any adjustments which fall to be made to the figure for income under sub-paragraph (3).

(6) In determining the capital of an applicant—

- (a) who has, or
- (b) who (jointly with a partner) has,

(1) 2002 c.16.

ddyfarniad o gredyd cynhwysol, rhaid i awdurdod ddefnyddio'r cyfrifiad neu'r amcangyfrif o gyfalaf y ceisydd neu gyfalaf y ceisydd a phartner y ceisydd ar y cyd (yn ôl fel y digwydd), a wnaed gan yr Ysgrifennydd Gwladol at y diben o benderfynu'r dyfarniad o gredyd cynhwysol(1).

PENNOD 4

Incwm: pensïnwyr eraill

Cyfrifo incwm a chyfalaf pan nad yw credyd pensiwn y wladwriaeth yn daladwy: pensïnwyr

35. Pan nad yw paragraff 32 (pensïnwyr sy'n cael credyd gwarant) nac ychwaith baragraff 33 (ceisydd yn cael credyd cynilion yn unig: pensïnwyr) yn gymwys yn achos y ceisydd, rhaid cyfrifo neu amcangyfrif incwm a chyfalaf y ceisydd yn unol â pharagraffau 36 i 43 a 54 i 59 (cyfrifiadau incwm) a Phennod 7 o'r Rhan hon (cyfrifo cyfalaf).

Ystyr "incwm": pensïnwyr

36.—(1) At ddibenion dosbarthiadau A a B ystyr "incwm" ("*income*") yw incwm o unrhyw un o'r disgrifiadau canlynol—

- (a) enillion;
- (b) credyd treth gwaith;
- (c) incwm pensiwn ymddeol yn yr ystyr a roddir i "retirement pension income" gan Ddeddf Credyd Pensiwn y Wladwriaeth 2002;
- (d) incwm o gontractau blwydd-dal (ac eithrio incwm pensiwn ymddeol);
- (e) pensiwn anabledd rhyfel neu bensiwn rhyfel gwraig neu ŵr gweddw;
- (f) pensiwn anabledd rhyfel neu bensiwn rhyfel gwraig neu ŵr gweddw o dramor;
- (g) taliad incwm gwarantedig;
- (h) taliad a wnaed o dan erthygl 29(1)(c) o Orchymyn y Lluoedd Arfog a'r Lluoedd Wrth Gefn (Cynllun Digolledu) 2011(2), mewn unrhyw achos pan fo erthygl 31(2)(c) yn gymwys;
- (i) incwm o gyfalaf ac eithrio cyfalaf a ddiystyriir o dan Ran 1 o Atodlen 8;
- (j) budd-daliadau nawdd cymdeithasol, ac eithrio incwm pensiwn ymddeol neu unrhyw un o'r budd-daliadau canlynol—

(1) *Gweler* paragraff 21 ynglŷn â'r terfyn cyfalaf ar gyfer cymhwysra, sef £16,000.

(2) O.S. 2011/517.

an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and the applicant's partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit(1).

CHAPTER 4

Income: other pensioners

Calculation of income and capital where state pension credit is not payable: pensioners

35. Where neither paragraph 32 (pensioner in receipt of guarantee credit) nor 33 (applicant in receipt of savings credit only: pensioners) applies in the applicant's case, the applicant's income and capital is to be calculated or estimated in accordance with paragraphs 36 to 43, and 54 to 59 (calculations of income) and Chapter 7 of this Part (calculation of capital).

Meaning of "income": pensioners

36.—(1) For the purposes of classes A and B in this scheme, "income" ("*incwm*") means income of any of the following descriptions—

- (a) earnings;
- (b) working tax credit;
- (c) retirement pension income within the meaning of the State Pension Credit Act 2002;
- (d) income from annuity contracts (other than retirement pension income);
- (e) a war disablement pension or war widow's or widower's pension;
- (f) a foreign war disablement pension or war widow's or widower's pension;
- (g) a guaranteed income payment;
- (h) a payment made under article 29(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(2), in any case where article 31(2)(c) applies;
- (i) income from capital other than capital disregarded under Part 1 of Schedule 8;
- (j) social security benefits, other than retirement pension income or any of the following benefits—

(1) *See* paragraph 21 for the capital limit for eligibility of £16,000.

(2) S.I. 2011/517.

- (i) lwfans byw i'r anabl;
 - (ii) taliad annibyniaeth bersonol;
 - (iii) TALIA;
 - (iv) lwfans gweini sy'n daladwy o dan adran 64 o DCBNC (hawl i gael lwfans gweini);
 - (v) cynnydd mewn pensiwn anabled o dan adran 104 (cynnydd ar gyfer gweini cyson) neu 105 (cynnydd ar gyfer anabled eithriadol o ddifrifol) o DCBNC;
 - (vi) budd-dal plant;
 - (vii) unrhyw lwfans gwarcheidwad sy'n daladwy o dan adran 77 o DCBNC (lwfans gwarcheidwad);
 - (viii) unrhyw gynnydd ar gyfer dibynnydd ac eithrio partner y ceisydd, sy'n daladwy yn unol â Rhan 4 o DCBNC (cynnydd ar gyfer dibynnyddion);
 - (ix) unrhyw—
 - (aa) taliad cronfa gymdeithasol a wneir o dan Ran 8 o DCBNC (y gronfa gymdeithasol); neu
 - (bb) cymorth achlysurol
 - (x) bonws Nadolig sy'n daladwy o dan Ran 10 o DCBNC (bonws Nadolig ar gyfer pensynwyr);
 - (xi) budd-dal tai;
 - (xii) budd-dal treth gyngor;
 - (xiii) taliad profedigaeth;
 - (xiv) tâl salwch statudol;
 - (xv) tâl mamolaeth statudol;
 - (xvi) tâl tadolaeth statudol cyffredin sy'n daladwy o dan Ran 12ZA o DCBNC (tâl tadolaeth statudol)(1);
 - (xvii) tâl tadolaeth statudol ychwanegol sy'n daladwy o dan Ran 12ZA o DCBNC;
 - (xviii) tâl mabwysiadu statudol sy'n daladwy o dan Ran 12ZB o DCBNC (tâl mabwysiadu statudol);
 - (xix) unrhyw fudd-dal cyffelyb i'r rhai a grybwyllir yn narpariaethau blaenorol y paragraff hwn, sy'n daladwy o dan ddeddfwriaeth sy'n cael effaith yng Nogledd Iwerddon;
- (i) disability living allowance;
 - (ii) personal independence payment;
 - (iii) an AFIP;
 - (iv) attendance allowance payable under section 64 of the SSCBA (entitlement to attendance allowance);
 - (v) an increase of disablement pension under section 104 (increase for constant attendance) or 105 of the SSCBA (increase for exceptionally severe disablement);
 - (vi) child benefit;
 - (vii) any guardian's allowance payable under section 77 of the SSCBA (guardian's allowance);
 - (viii) any increase for a dependant, other than the applicant's partner, payable in accordance with Part 4 of the SSCBA (increases for dependants);
 - (ix) any—
 - (aa) social fund payment made under Part 8 of the SSCBA (the social fund); or
 - (bb) occasional assistance;
 - (x) Christmas bonus payable under Part 10 of the SSCBA (Christmas bonus for pensioners);
 - (xi) housing benefit;
 - (xii) council tax benefit;
 - (xiii) bereavement payment;
 - (xiv) statutory sick pay;
 - (xv) statutory maternity pay;
 - (xvi) ordinary statutory paternity pay payable under Part 12ZA of the SSCBA (statutory paternity pay)(1);
 - (xvii) additional statutory paternity pay payable under Part 12ZA of the SSCBA;
 - (xviii) statutory adoption pay payable under Part 12ZB of the SSCBA (statutory adoption pay);
 - (xix) any benefit similar to those mentioned in the preceding provisions of this paragraph payable under legislation having effect in Northern Ireland;

(1) Mewnodsodwyd Rhan 12ZA gan adran 2 a mewnosodwyd Rhan 12ZB gan adran 4 o Ddeddf Cyflogaeth 2002 (p.22).

(1) Part 12ZA was inserted by section 2 and Part 12ZB was inserted by section 4 of the Employment Act 2002 (c.22).

- (k) yr holl fudd-daliadau nawdd cymdeithasol tramor cyffelyb i'r budd-daliadau nawdd cymdeithasol a ragnodir uchod;
- (l) taliad a wneir—
 - (i) o dan erthygl 30 o Orchymyn Pensiynau Gwasanaethu'r Llynges, y Fyddin a'r Llu Awyr Etc (Anabledd a Marwolaeth) 2006(1), mewn unrhyw achos pan fo erthygl 30(1)(b) yn gymwys; neu
 - (ii) o dan erthygl 12(8) o'r Gorchymyn hwnnw (Iwfansau diweithdra: plant sydd wedi cyrraedd terfyn oedran y plentyn), mewn unrhyw achos pan fo is-baragraff (b) o erthygl 12(8) yn gymwys;
- (m) pensiwn a delir i ddiodefwrwr erledigaeth gan Sosialwyr Cenedlaethol, o dan unrhyw ddarpariaeth arbennig a wneir gan gyfraith Gweriniaeth Ffederal yr Almaen, neu unrhyw ran ohoni, neu Weriniaeth Awstria;
- (n) taliadau o dan gynllun a wnaed o dan Ddeddf Niwmoconiosis etc (Digolledu Gweithwyr) 1979(2);
- (o) taliadau tuag at gynhaliath y ceisydd, a wneir gan briod, partner sifil, cyn briod neu gyn bartner sifil y ceisydd, neu tuag at gynhaliath partner y ceisydd gan briod, partner sifil, cyn briod neu gyn bartner sifil y person hwnnw, gan gynnwys taliadau a wneir—
 - (i) o dan orchymyn llys;
 - (ii) o dan gytundeb ar gyfer cynhaliath; neu
 - (iii) yn wirfoddol;
- (p) taliadau sy'n ddyledus gan unrhyw berson mewn perthynas â phrydau bwyd a llety a ddarperir gan y ceisydd;
- (q) breindaliadau neu symiau eraill a delir yn gyfnewid am ddefnyddio, neu'r hawl i ddefnyddio, unrhyw hawlfraint, dyluniad, patent neu nod masnach;
- (r) unrhyw daliad mewn perthynas ag—
 - (i) unrhyw lyfr a gofrestrwyd o dan Gynllun Hawliau Benthg i'r Cyhoedd 1982(3); neu
 - (ii) unrhyw waith a wnaed o dan unrhyw gynllun hawliau benthg i'r cyhoedd

- (k) all foreign social security benefits which are similar to the social security benefits prescribed above;
- (l) a payment made—
 - (i) under article 30 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006(1), in any case where article 30(1)(b) applies; or
 - (ii) under article 12(8) of that Order (unemployability allowances: children who have reached the child's age limit), in any case where sub-paragraph (b) of article 12(8) applies;
- (m) a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria;
- (n) payments under a scheme made under the Pneumoconiosis etc (Worker's Compensation) Act 1979(2);
- (o) payments made towards the maintenance of the applicant by the applicant's spouse, civil partner, former spouse or former civil partner or towards the maintenance of the applicant's partner by that person's spouse, civil partner, former spouse or former civil partner, including payments made—
 - (i) under a court order;
 - (ii) under an agreement for maintenance; or
 - (iii) voluntarily;
- (p) payments due from any person in respect of board and lodging accommodation provided by the applicant;
- (q) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;
- (r) any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982(3); or
 - (ii) work made under any international public lending right scheme that is

(1) O.S. 2006/606.

(2) 1979 p.41.

(3) Mae'r Cynllun Hawliau Benthg i'r Cyhoedd wedi ei gynnwys fel atodiad i O.S. 1982/719; amnewidiwyd gan Atodiad 2 i O.S. 1990/2360. Gwnaed diwygiadau iddo yn y cyfamser, ond nid ydynt yn berthnasol i'r Rheoliadau hyn.

(1) S.I. 2006/606.

(2) 1979 c.41.

(3) The Public Lending Scheme is appended to S.I. 1982/719; it was substituted by Appendix 2 to S.I. 1990/2360. Amendments have since been made to it but they are not relevant to these Regulations.

rhyngwladol cyfatebol i Gynllun Hawliau Benthg i'r Cyhoedd 1982;

- (s) unrhyw daliad, ac eithrio taliad a orchmynnwyd gan lys neu a wnaed i setlo hawliad, a wnaed gan neu ar ran cyn gyflogwr person, oherwydd ymddeoliad cynnar y person hwnnw ar sail afiechyd neu anabledd;
- (t) unrhyw swm sy'n daladwy fel pensiwn allan o arian a ddarperir o dan—
 - (i) Deddf Rhestr Sifil 1837(1),
 - (ii) Deddf Rhestr Sifil 1937(2),
 - (iii) Deddf Rhestr Sifil 1952(3),
 - (iv) Deddf Rhestr Sifil 1972(4), neu
 - (v) Deddf Rhestr Sifil 1975(5);
- (u) unrhyw incwm sydd yn lle incwm a bennir ym mharagraffau (a) i (r);
- (v) unrhyw daliad o rent a wneir i geisydd sydd—
 - (i) yn berchen y buddiant rhydd-ddaliad neu lesddaliad mewn unrhyw eiddo, neu sy'n denant unrhyw eiddo;
 - (ii) yn meddiannu rhan o'r eiddo; a
 - (iii) sydd â chytundeb gyda pherson arall sy'n caniatáu i'r person hwnnw feddiannu'r eiddo hwnnw ar ôl talu rhent;
- (w) unrhyw daliad a wneir fesul cyfnod rheolaidd o dan gynllun rhyddhau ecwiti;
- (x) taliadau cyfnodol o'r Gronfa Diogelu Pensiynau yn yr ystyr a roddir i "PPF periodic payments" gan adran 17(1) o Ddeddf Credyd Pensiwn y Wladwriaeth 2002.

(2) Os yw'r taliad o unrhyw fudd-dal nawdd cymdeithasol y cyfeirir ato yn is-baragraff (1) yn ddarostyngedig i unrhyw ddidyniad (ac eithrio addasiad a bennir yn is-baragraff (4)) y swm sydd i'w gymryd i ystyriaeth o dan is-baragraff (1) yw'r swm cyn gwneud y didyniad.

(3) Os yw dyfarniad o unrhyw greddydd treth gwaith neu greddydd treth plant yn ddarostyngedig i didyniad, er mwyn adennill gordaliad o greddydd treth gwaith neu greddydd treth plant a ddigwyddodd mewn blwyddyn dreth flaenorol, y swm sydd i'w gymryd i ystyriaeth o dan is-baragraff (1) yw swm y credyd treth gwaith neu

analogous to the Public Lending Right Scheme 1982;

- (s) any payment, other than a payment ordered by a court or made in settlement of a claim, made by or on behalf of a former employer of a person on account of the early retirement of that person on grounds of ill-health or disability;
- (t) any sum payable by way of pension out of money provided under—
 - (i) the Civil List Act 1837(1);
 - (ii) the Civil List Act 1937(2);
 - (iii) the Civil List Act 1952(3);
 - (iv) the Civil List Act 1972(4); or
 - (v) the Civil List Act 1975(5);
- (u) any income in lieu of that specified in paragraphs (a) to (r);
- (v) any payment of rent made to an applicant who—
 - (i) owns the freehold or leasehold interest in any property or is a tenant of any property;
 - (ii) occupies part of the property; and
 - (iii) has an agreement with another person allowing that person to occupy that property on payment of rent;
- (w) any payment made at regular intervals under an equity release scheme;
- (x) PPF periodic payments within the meaning of section 17(1) of the State Pension Credit Act 2002.

(2) Where the payment of any social security benefit referred to in sub-paragraph (1) is subject to any deduction (other than an adjustment specified in sub-paragraph (4)) the amount to be taken into account under sub-paragraph (1) is to be the amount before the deduction is made.

(3) Where an award of any working tax credit or child tax credit is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit

(1) 1837 p.2.
(2) 1937 p.32.
(3) 1952 p.37.
(4) 1972 p.7.
(5) 1975 p.82.

(1) 1837 c.2.
(2) 1937 c.32.
(3) 1952 c.37.
(4) 1972 c.7.
(5) 1975 c.82.

gredyd treth plant a ddyfarnwyd, llai swm y didyniad hwnnw.

(4) Yr addasiadau a bennir yn yr is-baragraff hwn yw'r addasiadau a wneir yn unol ag—

- (a) Rheoliadau Nawdd Cymdeithasol (Budd-daliadau Gorgyffyrddol) 1979(1);
- (b) Rheoliadau Nawdd Cymdeithasol (Cleifion Mewnol mewn Ysbytai) 2005(2);
- (c) adran 30DD neu adran 30E o DCBNC(3) (gostyngiadau mewn budd-dal analluogrwydd mewn perthynas â phensiynau a lwfansau cynghorwyr);
- (d) adran 3 o Ddeddf Diwygio Lles 2007 (didyniadau o lwfans cyflogaeth a chymorth cyfrannol mewn perthynas â phensiynau a lwfansau cynghorwyr) a rheoliadau a wneir o dan yr adran honno.

(5) Yn is-baragraff (1)(w), ystyr “cynllun rhyddhau ecwiti” (“*equity release scheme*”) yw benthyciad—

- (a) a wnaed rhwng person (“y rhoddwr benthycy”) a’r ceisydd;
- (b) sy’n fodd i drosglwyddo swm o arian oddi ar y rhoddwr benthycy i’r ceisydd ar ffurf taliadau ar adegau rheolaidd; ac
- (c) a sicrheir gydag annedd y mae gan y ceisydd ystad neu fuddiant ynddi, ac y mae’r ceisydd yn ei meddiannu fel ei gartref.

Cyfrifo incwm wythnosol: pensïynwyr

37.—(1) Ac eithrio mewn achos y mae is-baragraff (2) neu (4) yn gymwys iddo, at y diben o gyfrifo incwm wythnosol ceisydd sy’n bensiynwr pan fo’r cyfnod y gwneir taliad mewn perthynas ag ef—

- (a) yn ddim hwy nag wythnos, rhaid cynnwys y cyfan o’r taliad hwnnw yn incwm wythnosol y ceisydd;
- (b) yn hwy nag wythnos, rhaid penderfynu’r swm sydd i’w gynnwys yn incwm wythnosol y ceisydd—
 - (i) mewn achos pan fo’r cyfnod hwnnw’n fis, drwy luosi swm y taliad gyda 12 a rhannu’r lluoswm gyda 52;
 - (ii) mewn achos pan fo’r cyfnod hwnnw’n dri mis, drwy luosi swm y taliad gyda 4 a rhannu’r lluoswm gyda 52;

(1) O.S. 1979/597.

(2) O.S. 2005/3360.

(3) 1992 p.4; mewnosodwyd adran 30DD gan adran 63 o Ddeddf Diwygio Lles a Phensiynau 1999 (p.30). Mewnosodwyd adran 30E gan adran 3 o Ddeddf Nawdd Cymdeithasol (Analluogrwydd i Weithio) 1994 (p.18). Diddymir y ddwy adran gan Atodlen 8 i Ddeddf Diwygio Lles 2007 (p.5) (nad yw eto mewn grym).

or child tax credit awarded less the amount of that deduction.

(4) The adjustments specified in this sub-paragraph are those made in accordance with—

- (a) the Social Security (Overlapping Benefits) Regulations 1979(1);
- (b) the Social Security (Hospital In-Patients) Regulations 2005(2);
- (c) section 30DD or section 30E of the SSCBA(3) (reductions in incapacity benefit in respect of pensions and councillor’s allowances);
- (d) section 3 of the Welfare Reform Act 2007 (deductions from contributory employment and support allowance in respect of pensions and councillor’s allowances) and regulations made under it.

(5) In sub-paragraph (1)(w), “equity release scheme” (“*cynllun rhyddhau ecwiti*”) means a loan—

- (a) made between a person (“the lender”) and the applicant;
- (b) by means of which a sum of money is advanced by the lender to the applicant by way of payments at regular intervals; and
- (c) which is secured on a dwelling in which the applicant owns an estate or interest and which the applicant occupies as the applicant’s home.

Calculation of weekly income: pensioners

37.—(1) Except in a case where sub-paragraph (2) or (4) applies, for the purposes of calculating the weekly income of an applicant who is a pensioner, where the period in respect of which a payment is made—

- (a) does not exceed a week, the whole of that payment is to be included in the applicant’s weekly income;
- (b) exceeds a week, the amount to be included in the applicant’s weekly income is to be determined—
 - (i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
 - (ii) in a case where that period is three months, by multiplying the amount of the payment by 4 and dividing the product by 52;

(1) S.I. 1979/597.

(2) S.I. 2005/3360.

(3) 1992 c.4. Section 30DD was inserted by section 63 of the Welfare Reform and Pensions Act 1999 (c.30). Section 30E was inserted by section 3 of the Social Security (Incapacity for Work) Act 1994 (c.18). Both sections are repealed by the Welfare Reform Act 2007 (c.3), Schedule 8 (not yet in force).

- (iii) mewn achos pan fo'r cyfnod hwnnw'n flwyddyn, drwy rannu'r lluoswm gyda 52;
- (iv) mewn unrhyw achos arall, drwy luosi swm y taliad gyda 7 a rhannu'r lluoswm gyda nifer y diwrnodau yn y cyfnod y gwneir y taliad mewn perthynas ag ef.

(2) Mae is-baragraff (3) yn gymwys—

- (a) pan fo patrwm gwaith rheolaidd y ceisydd yn peri nad yw'r ceisydd yn gweithio yr un oriau bob wythnos; neu
- (b) pan fo swm incwm y ceisydd yn codi a gostwng ac wedi newid fwy nag unwaith.

(3) Rhaid penderfynu swm wythnosol incwm y ceisydd hwnnw—

- (a) mewn achos y mae is-baragraff (2)(a) yn gymwys iddo, os oes cylch gwaith adnabyddadwy, drwy gyfeirio at incwm wythnosol cyfartalog y ceisydd dros gyfnod y cylch cyfan (ac os yw'r cylch yn cynnwys cyfnodau pan nad yw'r person yn gweithio, gan gynnwys y cyfnodau hynny, ond diystyru unrhyw absenoldebau eraill); neu
- (b) mewn unrhyw achos arall, ar sail—
 - (i) y ddau daliad diwethaf os gwahenir y taliadau hynny gan gyfnod o fis neu fwy;
 - (ii) y pedwar taliad diwethaf os gwahenir y ddau daliad diwethaf gan gyfnod o lai nag un mis; neu
 - (iii) cyfrifo neu amcangyfrif pa bynnag daliadau eraill a allai, yn amgylchiadau penodol yr achos, ganiatáu penderfynu incwm wythnosol cyfartalog y ceisydd yn fwy cywir.

(4) At ddibenion is-baragraff (3)(b) y taliadau diwethaf yw'r taliadau diwethaf cyn y dyddiad y gwnaed y cais, neu y triniwyd y cais fel pe bai wedi ei wneud.

(5) Os oes hawl gan y ceisydd i gael taliad y mae is-baragraff (6) yn gymwys iddo, rhaid trin swm y taliad hwnnw fel pe bai wedi ei wneud mewn perthynas â chyfnod o flwyddyn.

(6) Mae'r is-baragraff hwn yn gymwys i'r canlynol—

- (a) breindaliadau neu symiau eraill a delir yn gyfnewid am ddefnyddio, neu'r hawl i ddefnyddio, unrhyw hawlfraint, dyluniad, patent neu nod masnach;
- (b) unrhyw daliad mewn perthynas ag—
 - (i) unrhyw lyfr a gofrestrwyd o dan Gynllun Hawliau Benthg i'r Cyhoedd 1982; neu

- (iii) in a case where that period is a year, by dividing the amount of the payment by 52;
- (iv) in any other case, by multiplying the amount of the payment by 7 and dividing the product by the number of days in the period in respect of which it is made.

(2) Sub-paragraph (3) applies where—

- (a) the applicant's regular pattern of work is such that the applicant does not work the same hours every week; or
- (b) the amount of the applicant's income fluctuates and has changed more than once.

(3) The weekly amount of that applicant's income is to be determined—

- (a) if, in a case to which sub-paragraph (2)(a) applies, there is a recognised cycle of work, by reference to the applicant's average weekly income over the period of the complete cycle (including, where the cycle involves periods in which the applicant does no work, those periods but disregarding any other absences); or
- (b) in any other case, on the basis of—
 - (i) the last two payments if those payments are one month or more apart;
 - (ii) the last four payments if the last two payments are less than one month apart; or
 - (iii) calculating or estimating such other payments as may, in the particular circumstances of the case, enable the applicant's average weekly income to be determined more accurately.

(4) For the purposes of sub-paragraph (3)(b) the last payments are the last payments before the date the application was made or treated as made.

(5) If the applicant is entitled to receive a payment to which sub-paragraph (6) applies, the amount of that payment is to be treated as if made in respect of a period of a year.

(6) This sub-paragraph applies to—

- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;
- (b) any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or

- (ii) unrhyw waith a wnaed o dan unrhyw gynllun hawliau benthyg i'r cyhoedd rhyngwladol cyfatebol i Gynllun Hawliau Benthyg i'r Cyhoedd 1982; ac

(c) unrhyw daliad a wneir ar sail achlysurol.

(7) Y cyfnod y mae'n rhaid cymryd i ystyriaeth drosto unrhyw fudd-dal o dan y Deddfau budd-dal yw'r cyfnod y mae'r budd-dal hwnnw'n daladwy mewn perthynas ag ef.

(8) Os gwneir taliadau mewn arian ac eithrio sterling, rhaid penderfynu gwerth y taliad ar sail y cyfwerth sterling ar y dyddiad y gwneir y taliad.

(9) Rhaid diystyru'r symiau a bennir yn Atodlen 4 wrth gyfrifo—

- (a) enillion y ceisydd; a
- (b) unrhyw swm y mae is-baragraff (6) yn gymwys iddo, os y ceisydd yw perchennog cyntaf yr hawlfraint, dyluniad, patent neu nod masnach, neu os yw'n gyfrannwr gwreiddiol i'r llyfr neu'r gwaith y cyfeirir ato yn is-baragraff (6)(b).

(10) At ddibenion is-baragraff (9)(b), ac at y dibenion hynny yn unig, rhaid trin y symiau a bennir yn is-baragraff (6) fel pe baent yn enillion.

(11) Rhaid diystyru incwm a bennir yn Atodlen 5 wrth gyfrifo incwm y ceisydd.

(12) Mae Atodlen 8 (diystyriadau cyfalaf: pensïynwyr) yn cael effaith fel a ganlyn—

- (a) rhaid diystyru'r cyfalaf a bennir yn Rhan 1 o'r Atodlen honno at y diben o benderfynu incwm ceisydd; a
- (b) rhaid diystyru'r cyfalaf a bennir yn Rhan 2 o'r Atodlen honno at y diben o benderfynu incwm ceisydd o dan baragraff 68 (cyfrifo incwm tariff o gyfalaf: pensïynwyr).

(13) Yn achos unrhyw incwm a gymerir i ystyriaeth at y diben o gyfrifo incwm person, rhaid diystyru unrhyw swm sy'n daladwy fel treth.

Enillion enillwyr cyflogedig: pensïynwyr

38.—(1) Yn ddarostyngedig i is-baragraff (2), ystyr “enillion” (“*earnings*”), yn achos cyflogaeth enillydd cyflogedig sy'n bensiynwr, yw unrhyw gydnabyddiaeth ariannol neu elw sy'n deillio o'r gyflogaeth honno ac y mae'n cynnwys—

- (a) unrhyw fonws neu gomisiwn;
- (b) unrhyw daliad a wneir yn lle cydnabyddiaeth ariannol ac eithrio unrhyw swm cyfnodol a delir i geisydd o ganlyniad i derfynu cyflogaeth y ceisydd hwnnw oherwydd dileu swydd;

- (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982; and

(c) any payment which is made on an occasional basis.

(7) The period under which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.

(8) Where payments are made in a currency other than Sterling, the value of the payment is to be determined by taking the Sterling equivalent on the date the payment is made.

(9) The sums specified in Schedule 4 are to be disregarded in calculating—

- (a) the applicant's earnings; and
- (b) any amount to which sub-paragraph (6) applies where the applicant is the first owner of the copyright, design, patent or trademark, or an original contributor to the book or work referred to in sub-paragraph (6)(b).

(10) For the purposes of sub-paragraph (9)(b), and for that purpose only, the amounts specified in sub-paragraph (6) are to be treated as though they were earnings.

(11) Income specified in Schedule 5 is to be disregarded in the calculation of the applicant's income.

(12) Schedule 8 (capital disregards: pensioners) has effect so that—

- (a) the capital specified in Part 1 is disregarded for the purpose of determining an applicant's income; and
- (b) the capital specified in Part 2 is disregarded for the purpose of determining an applicant's income under paragraph 68 (calculation of tariff income from capital: pensioners).

(13) In the case of any income taken into account for the purpose of calculating a person's income any amount payable by way of tax is disregarded.

Earnings of employed earners: pensioners

38.—(1) Subject to sub-paragraph (2), “earnings” (“*enillion*”), in the case of employment as an employed earner who is a pensioner, means any remuneration or profit derived from that employment and includes—

- (a) any bonus or commission;
- (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of that applicant's employment by reason of redundancy;

- (c) unrhyw daliad yn lle rhybudd;
 - (d) unrhyw dâl gwyliau;
 - (e) unrhyw daliad ar ffurf tâl cadw;
 - (f) unrhyw daliad a wneir gan gyflogwr y ceisydd mewn perthynas â threuliau nas tynnwyd yn gyfan gwbl, yn unig ac yn angenrheidiol wrth gyflawni dyletswyddau'r gyflogaeth, gan gynnwys unrhyw daliad a wneir gan gyflogwr y ceisydd mewn perthynas ag—
 - (i) treuliau a dynnir gan y ceisydd ynglŷn â theithio rhwng ei gartref a'r man lle y'i cyflogir;
 - (ii) treuliau a dynnir gan y ceisydd o dan drefniadau a wnaed ar gyfer gofal aelod o deulu'r ceisydd, oherwydd absenoldeb y ceisydd o'i gartref;
 - (g) swm unrhyw daliad ar ffurf taleb anariannol a gymerwyd i ystyriaeth wrth gyfrifo enillion person yn unol â Rhan 5 o Atodlen 3 i Reoliadau Nawdd Cymdeithasol (Cyfraniadau) 2001(1);
 - (h) tâl salwch statudol a thâl mamolaeth statudol sy'n daladwy gan y cyflogwr o dan DCBNC;
 - (i) tâl tadolaeth statudol sy'n daladwy o dan Ran 12ZA o DCBNC;
 - (j) tâl mabwysiadu statudol sy'n daladwy o dan Ran 12ZB o DCBNC;
 - (k) unrhyw symiau sy'n daladwy o dan contract gwasanaethu—
 - (i) ar gyfer analluedd i weithio oherwydd salwch neu anaf; neu
 - (ii) oherwydd beichiogrwydd neu welyfod.
- (2) Nid yw enillion yn cynnwys—
- (a) yn ddarostyngedig i is-baragraff (3), unrhyw daliad mewn nwyddau neu wasanaethau;
 - (b) unrhyw daliad mewn perthynas â threuliau a dynnir yn gyfan gwbl, yn unig ac yn angenrheidiol wrth gyflawni dyletswyddau'r gyflogaeth;
 - (c) unrhyw bensiwn galwedigaethol;
 - (d) unrhyw gyfandaliad a wneir o dan Gynllun Budd-daliadau Ailaddasu Haearn a Dur;
 - (e) unrhyw daliad i ddigolledu a wneir yn unol â dyfarniad gan driwlynlys cyflogaeth a sefydlwyd o dan Ddeddf Tribiwnlysoedd Cyflogaeth 1996(2) mewn perthynas â diswyddo annheg neu wahaniaethu anghyfreithlon;

- (c) any payment in lieu of notice;
 - (d) any holiday pay;
 - (e) any payment by way of a retainer;
 - (f) any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
 - (i) travelling expenses incurred by the applicant between the applicant's home and place of employment;
 - (ii) expenses incurred by the applicant under arrangements made for the care of a member of the applicant's family owing to the applicant's absence from home;
 - (g) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001(1);
 - (h) statutory sick pay and statutory maternity pay payable by the employer under the SSCBA;
 - (i) statutory paternity pay payable under Part 12ZA of the SSCBA;
 - (j) statutory adoption pay payable under Part 12ZB of the SSCBA;
 - (k) any sums payable under a contract of service—
 - (i) for incapacity for work due to sickness or injury; or
 - (ii) by reason of pregnancy or confinement.
- (2) Earnings does not include—
- (a) subject to sub-paragraph (3), any payment in kind;
 - (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
 - (c) any occupational pension;
 - (d) any lump sum payment made under the Iron and Steel Re-adaptation Benefits Scheme;
 - (e) any payment of compensation made pursuant to an award by an employment tribunal established under the Employment Tribunals Act 1996(2) in respect of unfair dismissal or unlawful discrimination;

(1) O.S. 2001/1004.
 (2) 1996 p.17.

(1) S.I. 2001/1004.
 (2) 1996 c.17.

- (f) unrhyw daliad mewn perthynas â threuliau sy'n deillio o gyfranogiad y ceisydd mewn grŵp defnyddwyr gwasanaeth.

(3) Nid yw is-baragraff (2)(a) yn gymwys mewn perthynas ag unrhyw daleb anariannol y cyfeirir ati yn is-baragraff (1)(g).

Cyfrifo enillion net enillwyr cyflogedig: pensiynwyr

39.—(1) At ddibenion paragraff 54 (cyfrifo incwm ar sail wythnosol), rhaid i enillion ceisydd sy'n deillio, neu'n debygol o ddeillio, o'i gyflogaeth fel enillydd cyflogedig, ac y'u cymerir i ystyriaeth, yn ddarostyngedig i baragraff 37(4) (cyfrifo incwm wythnosol: pensiynwyr) ac Atodlen 4, fod yn enillion net y ceisydd hwnnw.

(2) At ddibenion is-baragraff (1) rhaid cyfrifo'r enillion net, ac eithrio pan fo is-baragraff (5) yn gymwys, drwy gymryd i ystyriaeth enillion gros y ceisydd o'r gyflogaeth honno dros y cyfnod asesu, llai—

- (a) unrhyw swm a ddidynnir o'r enillion hynny fel—
 - (i) treth incwm;
 - (ii) cyfraniadau Dosbarth 1 sylfaenol o dan DCBNC;
- (b) hanner unrhyw swm a delir gan y ceisydd fel cyfraniad tuag at gynllun pensiwn galwedigaethol;
- (c) hanner y swm a gyfrifir yn unol ag is-baragraff (4) mewn perthynas ag unrhyw gyfraniad cymwys sy'n daladwy gan y ceisydd; a
- (d) os yw'r enillion hynny'n cynnwys taliad sy'n daladwy o dan unrhyw ddeddfiad sy'n cael effaith yng Ngogledd Iwerddon ac sy'n cyfateb i dâl salwch statudol, tâl mamolaeth statudol, tâl tadolaeth statudol cyffredin neu ychwanegol neu dâl mabwysiadu statudol, unrhyw swm a ddidynnir o'r enillion hynny fel unrhyw gyfraniadau sy'n cyfateb i gyfraniadau Dosbarth 1 sylfaenol o dan DCBNC.

(3) Yn y paragraff hwn, ystyr “cyfraniad cymwys” (“*qualifying contribution*”) yw unrhyw swm sy'n daladwy fesul cyfnod fel cyfraniad tuag at gynllun pensiwn personol.

(4) Rhaid cyfrifo'r swm mewn perthynas ag unrhyw gyfraniad cymwys drwy luosi swm dyddiol y cyfraniad cymwys gyda'r rhif sy'n hafal i nifer y diwrnodau yn y cyfnod asesu; ac at ddibenion y paragraff hwn, rhaid

- (f) any payment in respect of expenses arising out of the applicant's participation in a service user group.

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(g).

Calculation of net earnings of employed earners: pensioners

39.—(1) For the purposes of paragraph 54 (calculation of income on a weekly basis), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account must, subject to paragraph 37(4) (calculation of weekly income: pensioners) and Schedule 4, be that applicant's net earnings.

(2) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (5) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—

- (a) any amount deducted from those earnings by way of—
 - (i) income tax;
 - (ii) primary Class 1 contributions under the SSCBA;
- (b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- (c) one-half of the amount calculated in accordance with sub-paragraph (4) in respect of any qualifying contribution payable by the applicant; and
- (d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which correspond to primary Class 1 contributions under the SSCBA.

(3) In this paragraph “qualifying contribution” (“*cyfraniad cymwys*”) means any sum which is payable periodically as a contribution towards a personal pension scheme.

(4) The amount in respect of any qualifying contribution is to be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and

penderfynu swm dyddiol y cyfraniad cymwys fel a ganlyn—

- (a) os yw'r cyfraniad cymwys yn daladwy yn fisol, drwy luosi swm y cyfraniad cymwys gyda 12 a rhannu'r lluoswm gyda 365;
- (b) mewn unrhyw achos arall, drwy rannu swm y cyfraniad cymwys gyda'r rhif sy'n hafal i nifer y diwrnodau yn y cyfnod y mae'r cyfraniad cymwys yn berthynol iddo.

(5) Pan benderfynir enillion ceisydd o dan baragraff 37(2)(b) (cyfrifo incwm wythnosol: pensiynwyr) rhaid cyfrifo enillion net y ceisydd hwnnw drwy gymryd i ystyriaeth yr enillion hynny dros y cyfnod asesu, llai—

- (a) swm mewn perthynas â threth incwm, sy'n gyfwerth â'r swm a gyfrifir drwy gymhwyso i'r enillion hynny y gyfradd dreth sylfaenol sy'n gymwys i'r cyfnod asesu, llai, yn unig, y rhyddhad personol y mae hawl gan y ceisydd i'w gael o dan adrannau 35 i 37 o Ddeddf Treth Incwm 2007(1) (lwfansau personol), fel y bo'n briodol i amgylchiadau'r ceisydd, ond os yw'r cyfnod asesu'n llai na blwyddyn, rhaid cyfrifo'r enillion y cymhwysir y gyfradd dreth sylfaenol iddynt a swm y rhyddhad personol sy'n ddidynadwy o dan yr is-baragraff hwn ar sail *pro rata*;
- (b) swm sy'n gyfwerth â swm y cyfraniadau Dosbarth 1 sylfaenol a fyddai'n daladwy gan y ceisydd o dan DCBNC mewn perthynas â'r enillion hynny pe bai cyfraniadau o'r fath yn daladwy; ac
- (c) hanner unrhyw swm a fyddai'n daladwy gan y ceisydd fel cyfraniad tuag at gynllun pensiwn galwedigaethol neu bersonol, pe bai'r enillion a amcangyfrifwyd felly yn enillion gwirioneddol.

Cyfrifo enillion enillwyr hunangyflogedig: pensiynwyr

40.—(1) Pan fo enillion ceisydd sy'n bensiynwr yn enillion o gyflogaeth fel enillydd hunangyflogedig, rhaid penderfynu swm wythnosol enillion y ceisydd

(1) 2007 p.3; diwygiwyd pennawd ac is-adran (1) o adran 35 gan adran 4 o Ddeddf Cyllid 2012 (p.14) ("Deddf 2012"); mewnosodwyd is-adrannau (2) a (4) gan adran 4 o Ddeddf Cyllid 2009 (p.10). Yn adran 36, diwygiwyd y pennawd ac is-adran (2), amnewidiwyd is-adran (1) ac mewnosodwyd is-adran (2A) gan adran 4 o Ddeddf 2012; mae is-adran (2) wedi ei diwygio hefyd gan erthygl 3 o O.S. 2012/3047 ac adran 4 o Ddeddf Cyllid 2009. Yn adran 37, diwygiwyd y pennawd ac is-adran (2), amnewidiwyd is-adran (1) ac mewnosodwyd is-adran (2A) gan adran 4 o Ddeddf 2012; mae is-adran (2) wedi ei diwygio hefyd gan erthygl 3 o O.S. 2012/3047 ac adran 4 o Ddeddf Cyllid 2009.

for the purposes of this paragraph the daily amount of the qualifying contribution is to be determined—

- (a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
- (b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.

(5) Where the earnings of an applicant are determined under paragraph 37(2)(b) (calculation of weekly income: pensioners) that applicant's net earnings are to be calculated by taking into account those earnings over the assessment period, less—

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007(1) (personal allowances) as is appropriate to the applicant's circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by the applicant under the SSCBA in respect of those earnings if such contributions were payable; and
- (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

Calculation of earnings of self-employed earners: pensioners

40.—(1) Where the earnings of an applicant who is a pensioner consist of earnings from employment as a self-employed earner, the weekly amount of that applicant's

(1) 2007 c.3; the heading and subsection (1) of section 35 were amended by section 4 of the Finance Act 2012 (c.14) ("2012 Act"), subsections (2) and (4) were inserted by section 4 of the Finance Act 2009 (c.10). In section 36, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act, subsection (2) has also been amended by article 3 of S.I. 2012/3047 and section 4 of the Finance Act 2009. In section 37, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act, subsection (2) has also been amended by article 3 of S.I. 2012/3047 and section 4 of the Finance Act 2009.

hwnnw drwy gyfeirio at enillion wythnosol cyfartalog y ceisydd o'r gyflogaeth honno—

- (a) dros gyfnod o un flwyddyn; neu
- (b) os yn ddiweddar yr ymgymerodd y ceisydd â'r gyflogaeth honno, neu os digwyddodd newid sy'n debygol o effeithio ar y patrwm busnes arferol, dros ba bynnag gyfnod ("cyfnod cyfrifo") a allai, yn yr achos penodol dan sylw, alluogi penderfynu swm wythnosol enillion y ceisydd yn fwy cywir.

(2) At y dibenion o benderfynu swm wythnosol enillion ceisydd y mae is-baragraff (1)(b) yn gymwys iddo, rhaid rhannu enillion y ceisydd dros y cyfnod cyfrifo gyda'r rhif sy'n hafal i nifer y diwrnodau yn y cyfnod hwnnw a lluosir cynifer ydy gyda 7.

(3) Y cyfnod y cyfrifir swm wythnosol enillion ceisydd drosto yn unol â'r paragraff hwn fydd y cyfnod asesu ar gyfer y ceisydd.

Enillion enillwyr hunangyflogedig: pensïynwyr

41.—(1) Yn ddarostyngedig i is-baragraff (2), ystyr "enillion" ("*earnings*"), yn achos cyflogaeth fel enillydd hunangyflogedig sy'n bensiynwr, yw incwm gros y gyflogaeth.

(2) Nid yw "enillion" yn achos cyflogaeth fel enillydd hunangyflogedig yn cynnwys y canlynol—

- (a) pan fo ceisydd yn meddiannu annedd fel ei gartref, a'r ceisydd, yn yr annedd honno, yn darparu prydau bwyd a llety y telir amdanynt, y taliadau hynny;
- (b) unrhyw daliad a wneir gan awdurdod lleol i geisydd—
 - (i) y lletyir person gydag ef yn rhinwedd trefniadau a wneir o dan adran 22C neu 23(2)(a) o Ddeddf Plant 1989(1) (darparu llety a chynhaliadau ar gyfer plentyn sy'n derbyn gofal ganddynt) neu, yn ôl fel y digwydd, adran 26(1) o Ddeddf Plant (Yr Alban) 1995(2); neu
 - (ii) y mae awdurdod lleol yn maethu plentyn gydag ef o dan Reoliadau Plant sy'n Derbyn Gofal (Yr Alban) 2009(3) neu sy'n ofalwr-berthynas yn yr ystyr a roddir i "kinship carer" o dan y Rheoliadau hynny;

earnings is to be determined by reference to the applicant's average weekly earnings from that employment—

- (a) over a period of one year; or
- (b) where the applicant has recently become engaged in that employment or there has been a change which is likely to affect the normal pattern of business, over such other period ("computation period") as may, in the particular case, enable the weekly amount of the applicant's earnings to be determined more accurately.

(2) For the purposes of determining the weekly amount of earnings of an applicant to whom sub-paragraph (1)(b) applies, the applicant's earnings over the computation period are to be divided by the number equal to the number of days in that period and the product multiplied by 7.

(3) The period over which the weekly amount of an applicant's earnings is calculated in accordance with this paragraph is to be the applicant's assessment period.

Earnings of self-employed earners: pensioners

41.—(1) Subject to sub-paragraph (2), "earnings" ("*enillion*"), in the case of employment as a self-employed earner who is a pensioner, means the gross income of the employment.

(2) "Earnings" in the case of employment as a self-employed earner does not include—

- (a) where an applicant occupies a dwelling as the applicant's home and the applicant provides in that dwelling board and lodging accommodation for which payment is made, those payments;
- (b) any payment made by a local authority to an applicant—
 - (i) with whom a person is accommodated by virtue of arrangements made under section 22C or 23(2)(a) of the Children Act 1989(1) (provision of accommodation and maintenance for a child whom they are looking after) or, as the case may be, section 26(1) of the Children (Scotland) Act 1995(2); or
 - (ii) with whom a local authority fosters a child under the Looked After Children (Scotland) Regulations 2009(3) or who is a kinship carer under those Regulations;

(1) 1989 p.41; yn lle adran 23 rhoddwyd adrannau 22A i 22F gan adran 8(1) o Ddeddf Plant a Phobl Ifanc 2008 (p.23). Mae adran 22C mewn grym yn Lloegr, ond adran 22C(11) yn unig sydd mewn grym yng Nghymru.
(2) 1995 p.36; diwygiwyd adran 26 gan baragraff 1 o Atodlen 3 i Ddeddf Mabwysiadu a Phlant (Yr Alban) 2007 (dsa 4).
(3) O.S. 2009/210.

(1) 1989 c.41; section 23 was substituted by sections 22A to 22F by section 8(1) of the Children and Young Persons Act 2008 (c.23). Section 22C is in force in England but only section 22C(11) is in force in Wales.
(2) 1995 c.36; section 26 was amended by paragraph 1 of Schedule 3 to the Adoption and Children (Scotland) Act 2007 (asp 4).
(3) S.I. 2009/210.

- (c) unrhyw daliad a wneir gan sefydliad gwirfoddol yn unol ag adran 59(1)(a) o Ddeddf Plant 1989 (darparu llety gan sefydliadau gwirfoddol);
- (d) unrhyw daliad a wneir i'r ceisydd neu i bartner y ceisydd ar gyfer person ("y person dan sylw") nad yw fel arfer yn aelod o aelwyd y ceisydd ond y gofelir amdano dros dro gan y ceisydd, gan—
 - (i) awdurdod lleol, ond gan eithrio taliadau o fudd-dal tai a wneir mewn perthynas â'r person dan sylw;
 - (ii) sefydliad gwirfoddol;
 - (iii) y person dan sylw yn unol ag adran 26(3A) o Ddeddf Cymorth Gwladol 1948(1);
 - (iv) Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol neu grŵp comisiynu clinigol a sefydlwyd o dan adran 14D o Ddeddf y Gwasanaeth Iechyd Gwladol 2006(2); neu
 - (v) Bwrdd Iechyd Lleol a sefydlwyd o dan adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(3);
- (e) unrhyw ddyfarniad chwaraeon.

- (c) any payment made by a voluntary organisation in accordance with section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations);
- (d) any payment made to the applicant or the applicant's partner for a person ("the person concerned") who is not normally a member of the applicant's household but is temporarily in the applicant's care, by—
 - (i) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (ii) a voluntary organisation;
 - (iii) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948(1);
 - (iv) the National Health Service Commissioning Board or a clinical commissioning group established under section 14D of the National Health Service Act 2006(2); or
 - (v) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006(3);
- (e) any sports award.

Incwm tybiannol: pensïynwyr

42.—(1) Rhaid trin ceisydd sy'n bensïynwr fel pe bai'n meddu—

- (a) yn ddarostyngedig i is-baragraff (2), swm unrhyw incwm pensïwn ymddeol—
 - (i) na wnaed hawliad amdano; a
 - (ii) y gallai'r ceisydd ddisgwyl y byddai hawl ganddo i'w gael pe bai'n ei hawlio;
- (b) incwm o gynllun pensïwn galwedigaethol y dewisodd y ceisydd ei ohirio.

(2) Nid yw is-baragraff (1)(a) yn gymwys i'r canlynol pan fo hawlogaeth wedi ei gohirio—

- (a) pensïwn ymddeol Categori A neu Gategori B sy'n daladwy o dan adrannau 43 i 55 o DCBNC;
- (b) pensïwn ychwanegol a rennir sy'n daladwy o dan adran 55A o DCBNC;

Notional income: pensioners

42.—(1) An applicant who is a pensioner is to be treated as possessing—

- (a) subject to sub-paragraph (2), the amount of any retirement pension income—
 - (i) for which no claim has been made; and
 - (ii) to which that applicant might expect to be entitled if a claim for it were made;
- (b) income from an occupational pension scheme which the applicant elected to defer.

(2) Sub-paragraph (1)(a) does not apply to the following where entitlement has been deferred—

- (a) a Category A or Category B retirement pension payable under sections 43 to 55 of the SSCBA;
- (b) a shared additional pension payable under section 55A of the SSCBA;

(1) 1948 p.29; mewnosodwyd adran 26(3A) gan adran 42(4) o Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19).

(2) 2006 p.41. Sefydlwyd y Bwrdd Comisiynu o dan adran 1H o'r Ddeddf honno (a fewnosodwyd gan adran 9 o Ddeddf Iechyd a Gofal Cymdeithasol 2012 (p.7)); mewnosodwyd adran 14D gan adran 25 o Ddeddf 2012.

(3) 2006 p.42.

(1) 1948 c.29; section 26(3A) was inserted by section 42(4) of the National Health Service and Community Care Act 1990 (c.19).

(2) 2006 c.41. The Commissioning Board is established under section 1H of that Act (inserted by section 9 of the Health and Social Care Act 2012 (c.7)); section 14D was inserted by section 25 of the 2012 Act.

(3) 2006 c.42.

- (c) budd-dal ymddeol graddedig sy'n daladwy o dan adrannau 36 a 37 o Ddeddf Yswiriant Gwladol 1965(1).

(3) At ddibenion is-baragraff (2), mae hawlogaeth wedi ei ohirio—

- (a) yn achos pensiwn Categori A neu Gategori B, yn yr amgylchiadau a bennir yn adran 55(3) o DCBNC;
- (b) yn achos pensiwn ychwanegol a rennir, yn yr amgylchiadau a bennir yn adran 55C(3) o DCBNC; ac
- (c) yn achos budd-dal ymddeol graddedig, yn yr amgylchiadau a bennir yn adran 36(4) a (4A) o Ddeddf Yswiriant Gwladol 1965.

(4) Mae'r is-baragraff hwn yn gymwys yn achos person a gyrhaeddodd oedran cymhwys ar gyfer credyd pensiwn y wladwriaeth—

- (a) sydd â hawl i fuddion pryniant ariannol o dan gynllun pensiwn galwedigaethol neu gynllun pensiwn personol;
- (b) sy'n peidio â phrynu blwydd-dal â'r gronfa sydd ar gael iddo yn y cynllun hwnnw; ac
- (c) naill ai—
 - (i) yn gohirio yn gyfan gwbl neu'n rhannol y taliad o unrhyw incwm a fyddai wedi bod yn daladwy i'r person hwnnw gan ddeiliad cronfa bensiwn y person hwnnw, neu
 - (ii) yn peidio â chymryd unrhyw gam sy'n angenrheidiol er mwyn sicrhau bod y cyfan o unrhyw incwm, a fyddai'n daladwy i'r person hwnnw gan ddeiliad ei gronfa bensiwn pe bai'r person hwnnw'n gwneud cais amdano, yn cael ei dalu felly, neu
- (iii) sy'n berson nad yw alldynnu incwm ar gael iddo o dan y cynllun hwnnw.

(5) Os yw is-baragraff (4) yn gymwys, rhaid trin swm unrhyw incwm a hepgorir fel pe bai'r person hwnnw'n ei feddu, ond hynny, yn unig, o'r dyddiad y gellid disgwyl ei gael pe bai cais amdano wedi ei wneud.

(6) Swm unrhyw incwm a hepgorir mewn achos pan fo is-baragraff (4)(c)(i) neu (ii) yn gymwys fydd uchafswm yr incwm y gellid ei alldynnu o'r gronfa, a rhaid i'r awdurdod ei benderfynu gan gymryd i ystyriaeth wybodaeth a ddarperir gan ddeiliad y gronfa bensiwn.

(7) Swm unrhyw incwm a hepgorir mewn achos pan fo is-baragraff (4)(c)(iii) yn gymwys fydd yr incwm y

- (c) graduated retirement benefit payable under sections 36 and 37 of the National Insurance Act 1965(1).

(3) For the purposes of sub-paragraph (2), entitlement has been deferred—

- (a) in the case of a Category A or Category B pension, in the circumstances specified in section 55(3) of the SSCBA;
- (b) in the case of a shared additional pension, in the circumstances specified in section 55C(3) of the SSCBA; and
- (c) in the case of graduated retirement benefit, in the circumstances specified in section 36(4) and (4A) of the National Insurance Act 1965.

(4) This sub-paragraph applies where a person who has attained the qualifying age for state pension credit—

- (a) is entitled to money purchase benefits under an occupational pension scheme or a personal pension scheme;
- (b) fails to purchase an annuity with the funds available in that scheme; and
- (c) either—
 - (i) defers in whole or in part the payment of any income which would have been payable to that person by that person's pension fund holder, or
 - (ii) fails to take any necessary action to secure that the whole of any income which would be payable to that person by that person's pension fund holder upon that person applying for it, is so paid, or
- (iii) is a person to whom income withdrawal is not available under that scheme.

(5) Where sub-paragraph (4) applies, the amount of any income foregone is to be treated as possessed by that person, but only from the date on which it could be expected to be acquired were an application for it to be made.

(6) The amount of any income foregone in a case where sub-paragraph (4)(c)(i) or (ii) applies is to be the maximum amount of income which may be withdrawn from the fund and must be determined by the authority, taking account of information provided by the pension fund holder.

(7) The amount of any income foregone in a case where sub-paragraph (4)(c)(iii) applies is to be the

(1) 1965 p.51.

(1) 1965 c.51.

gallai'r ceisydd fod wedi ei gael heb brynu blwydd-dal pe bai'r cronfeydd a ddelir o dan y cynllun perthnasol wedi eu dal o dan gynllun pensiwn personol neu gynllun pensiwn galwedigaethol sy'n caniatáu alldynnu incwm, a rhaid ei benderfynu yn y modd a bennir yn is-baragraff (6).

(8) Yn is-baragraff (4), mae i "buddion pryniant ariannol" yr ystyr a roddir i "money purchase benefits" gan Ddeddf Cynlluniau Pensiwn 1993.

(9) Yn ddarostyngedig i is-baragraffau (10) a (12), rhaid trin person fel pe bai'n meddu incwm y mae'r person hwnnw wedi amddifadu ei hunan ohono at y diben o sicrhau hawlogaeth i ostyngiad o dan y cynllun hwn, neu gynyddu swm y gostyngiad.

(10) Nid yw is-baragraff (9) yn gymwys mewn perthynas â swm cynnydd mewn pensiwn neu fudd-dal pan fo person, ar ôl dewis o blaid y cynnydd hwnnw mewn pensiwn neu fudd-dal o dan Atodlen 5 neu 5A i DCBNC neu o dan Atodlen 1 i Reoliadau Nawdd Cymdeithasol (Budd-dal Ymddeol Graddedig) 2005(1), wedyn yn newid y dewis hwnnw, o blaid cyfandaliad, yn unol â rheoliadau a wnaed o dan Atodlen 5 neu 5A i'r Ddeddf honno.

(11) Yn is-baragraff (10), ystyr "cyfandaliad" ("*lump sum*") yw cyfandaliad o dan Atodlen 5 neu 5A i DCBNC neu o dan Atodlen 1 i Reoliadau Nawdd Cymdeithasol (Budd-dal Ymddeol Graddedig) 2005.

(12) Nid yw is-baragraff (9) yn gymwys mewn perthynas ag unrhyw swm o incwm ac eithrio enillion, neu enillion enillydd cyflogedig, sy'n deillio o gyfranogiad y ceisydd mewn grŵp defnyddwyr gwasanaeth.

(13) Os yw ceisydd yn cael unrhyw fudd-dal o dan y Deddfau budd-dal, a newid yng nghyfradd y budd-dal hwnnw yn cael effaith o ddyddiad ar neu ar ôl 1 Ebrill mewn unrhyw flwyddyn, ond ddim hwyrach na 14 diwrnod ar ôl 1 Ebrill, rhaid i'r awdurdod drin y ceisydd fel pe bai'n meddu'r budd-dal hwnnw ar y gyfradd ddiwygiedig, naill ai o 1 Ebrill neu o'r dydd Llun cyntaf yn Ebrill yn y flwyddyn honno, pa ddyddiad bynnag y bydd yr awdurdod yn dewis ei ddefnyddio, hyd at y dyddiad y bydd y gyfradd ddiwygiedig yn cael effaith.

(14) Yn achos ceisydd y mae ganddo, neu y mae gan ei bartner, ddyfarniad o gredyd pensiwn y wladwriaeth sy'n cynnwys y credyd cynilion yn unig, pan fo'r awdurdod yn trin y ceisydd fel pe bai'n meddu unrhyw fudd-dal ar gyfradd ddiwygiedig yn unol ag is-baragraff (13), rhaid i'r awdurdod—

- (a) penderfynu incwm a chyfalaf y ceisydd hwnnw yn unol â pharagraff 33(1) (cyfrifo incwm pensïynwr mewn achosion o gredyd

income that the applicant could have received without purchasing an annuity had the funds held under the relevant scheme been held under a personal pension scheme or occupational pension scheme where income withdrawal was available and is to be determined in the manner specified in sub-paragraph (6).

(8) In sub-paragraph (4), "money purchase benefits" ("*buddion pryniant ariannol*") has the same meaning as in the Pension Schemes Act 1993.

(9) Subject to sub-paragraphs (10) and (12), a person is to be treated as possessing income of which that person has deprived himself or herself for the purpose of securing entitlement to a reduction under this scheme or increasing the amount of the reduction.

(10) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension or benefit where a person, having made an election in favour of that increase of pension or benefit under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005(1), changes that election in accordance with regulations made under Schedule 5 or 5A to that Act in favour of a lump sum.

(11) In sub-paragraph (10), "lump sum" ("*cyfandaliad*") means a lump sum under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005.

(12) Sub-paragraph (9) does not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant's participation in a service user group.

(13) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1 April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1 April or the first Monday in April in that year, whichever date the authority selects to apply, to the date on which the altered rate is to take effect.

(14) In the case of an applicant who has, or whose partner has, an award of state pension credit comprising only the savings credit, where the authority treats the applicant as possessing any benefit at the altered rate in accordance with sub-paragraph (13), the authority must—

- (a) determine the income and capital of that applicant in accordance with paragraph 33(1) (calculation of pensioner's income in

cynllun yn unig) pan newidir y cyfrifiad neu'r amcangyfrif o'r incwm a'r cyfalaf hynny gydag effaith o ddyddiad ar neu ar ôl 1 Ebrill mewn unrhyw flwyddyn, ond ddim hwyrach na 14 diwrnod ar ôl 1 Ebrill; a

- (b) trin y ceisydd hwnnw fel pe bai'n meddu'r cyfryw incwm a chyfalaf ar y gyfradd ddiwygiedig gan gyfeirio at y dyddiad y dewisodd yr awdurdod ei ddefnyddio yn ei ardal, at ddibenion penderfynu'r cyfnod y cyfeirir ato yn is-baragraff (13).

(15) At ddibenion is-baragraff (9), rhaid peidio ag ystyried bod person yn amddifadu ei hunan o incwm pan fo—

- (a) hawliau'r person hwnnw i fuddion o dan gynllun pensiwn cofrestredig yn cael eu diddymu, a'r person hwnnw'n derbyn taliad o'r cynllun o ganlyniad i hynny, a
- (b) y taliad hwnnw'n gyfandaliad cymudo dibwys yn yr ystyr a roddir i "trivial commutation lump sum" gan baragraff 7 o Atodlen 29 i Ddeddf Cyllid 2004.

(16) Yn is-baragraff (15), mae i "cynllun pensiwn cofrestredig" yr ystyr a roddir i "registered pension scheme" yn adran 150(2) o Ddeddf Cyllid 2004.

Incwm a delir i drydydd partiön: pensiywyr

43.—(1) Rhaid trin unrhyw daliad o incwm a wneir i drydydd parti mewn perthynas â'r ceisydd, ac eithrio taliad a bennir yn is-baragraff (2) neu (3), fel pe bai'r ceisydd yn ei feddu.

(2) Nid yw is-baragraff (1) yn gymwys mewn perthynas â thaliad o incwm a wneir o dan gynllun pensiwn galwedigaethol, mewn perthynas â phensiwn neu daliad cyfnodol arall a wneir o dan gynllun pensiwn personol, neu daliad a wneir gan Fwrdd y Gronfa Diogelu Pensiynau—

- (a) pan fo gorchymyn methdalw wedi ei wneud mewn perthynas â'r person y gwnaed y taliad mewn perthynas ag ef neu, yn yr Alban, ystad y person hwnnw yn destun atafaelu, neu oruchwyliwr barnwrol wedi ei benodi ar ystad y person hwnnw o dan adran 41 o Ddeddf Cyfreithwyr (Yr Alban) 1980(1);
- (b) pan wneir y taliad i'r ymddiriedolwr mewn methdaliad neu unrhyw berson arall sy'n gweithredu ar ran y credydwy; ac
- (c) pan nad yw'r person y cyfeirir ato ym mharagraff (a), na phartner y person hwnnw,

(1) 1980 p.46.

savings credit only cases) where the calculation or estimate of that income and capital is altered with effect from a date on or after 1 April in any year but not more than 14 days thereafter; and

- (b) treat that applicant as possessing such income and capital at the altered rate by reference to the date selected by the authority to apply in its area, for the purposes of establishing the period referred to in sub-paragraph (13).

(15) For the purposes of sub-paragraph (9), a person is not to be regarded as depriving himself or herself of income where—

- (a) that person's rights to benefits under a registered pension scheme are extinguished and in consequence of this that person receives a payment from the scheme; and
- (b) that payment is a trivial commutation lump sum within the meaning given by paragraph 7 of Schedule 29 to the Finance Act 2004.

(16) In sub-paragraph (15), "registered pension scheme" ("*cynllun pensiwn cofrestredig*") has the meaning given in section 150(2) of the Finance Act 2004.

Income paid to third parties: pensioners

43.—(1) Any payment of income, other than a payment specified in sub-paragraph (2) or (3), to a third party in respect of the applicant is to be treated as possessed by the applicant.

(2) Sub-paragraph (1) does not apply in respect of a payment of income made under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—

- (a) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980(1);
- (b) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
- (c) the person referred to in paragraph (a) and that person's partner does not possess, or is

(1) 1980 c.46.

yn meddu, nac yn cael ei drin fel pe bai'n meddu, unrhyw incwm arall ar wahân i'r taliad hwnnw.

(3) Nid yw is-baragraff (1) yn gymwys mewn perthynas ag unrhyw daliad o incwm ac eithrio enillion, neu enillion sy'n deillio o gyflogaeth fel enillydd cyflogedig, sy'n codi o gyfranogiad y ceisydd mewn grŵp defnyddwyr gwasanaeth.

PENNOD 5

Incwm: personau nad ydynt yn bensiynwyr

Enillion wythnosol cyfartalog enillwyr cyflogedig: personau nad ydynt yn bensiynwyr

44.—(1) Pan fo incwm ceisydd nad yw'n bensiynwr yn enillion o gyflogaeth fel enillydd cyflogedig, rhaid amcangyfrif enillion wythnosol cyfartalog y ceisydd drwy gyfeirio at enillion y ceisydd o'r gyflogaeth honno—

- (a) dros gyfnod yn union cyn yr wythnos ostyngiad y gwneir y cais ynddi neu y trinnir y cais fel pe bai wedi ei wneud ynddi, ac sy'n gyfnod o—
 - (i) 5 wythnos, os telir i'r ceisydd fesul wythnos; neu
 - (ii) 2 fis, os telir i'r ceisydd fesul mis; neu
- (b) boed paragraff (a)(i) neu (ii) yn gymwys ai peidio, os yw enillion ceisydd yn amrywio, dros ba bynnag gyfnod arall sy'n rhagflaenu'r wythnos ostyngiad y gwneir y cais ynddi, neu y trinnir y cais fel pe bai wedi ei wneud ynddi, a allai, mewn unrhyw achos penodol, alluogi amcangyfrif enillion wythnosol cyfartalog y ceisydd yn fwy cywir.

(2) Os yw'r ceisydd wedi bod yn gyflogedig am gyfnod llai na'r cyfnod a bennir yn is-baragraff (1)(a)(i) neu (ii)—

- (a) os cafodd y ceisydd unrhyw enillion am y cyfnod y bu yn y gyflogaeth honno, ac os yw'r enillion hynny yn debygol o gynrychioli enillion wythnosol cyfartalog y ceisydd o'r gyflogaeth honno, rhaid amcangyfrif enillion wythnosol cyfartalog y ceisydd drwy gyfeirio at yr enillion hynny;
- (b) mewn unrhyw achos arall, rhaid i'r awdurdod amcangyfrif enillion wythnosol cyfartalog y ceisydd(1).

(1) Caniateir defnyddio pwerau yn adran 14A o Ddeddf 1992 i'w gwneud yn ofynnol bod cyflogwyr yn darparu gwybodaeth at y dibenion hyn.

not treated as possessing, any other income apart from that payment.

(3) Sub-paragraph (1) does not apply in respect of any payment of income other than earnings, or earnings derived from employment as an employed earner, arising out of the applicant's participation in a service user group.

CHAPTER 5

Income: persons who are not pensioners

Average weekly earnings of employed earners: persons who are not pensioners

44.—(1) Where the income of an applicant who is not a pensioner consists of earnings from employment as an employed earner the applicant's average weekly earnings must be estimated by reference to the applicant's earnings from that employment—

- (a) over a period immediately preceding the reduction week in which the application is made or treated as made and being a period of—
 - (i) 5 weeks, if the applicant is paid weekly; or
 - (ii) 2 months, if the applicant is paid monthly; or
- (b) whether or not paragraph (a)(i) or (ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the application is made or treated as made as may, in any particular case, enable the applicant's average weekly earnings to be estimated more accurately.

(2) Where the applicant has been in employment for less than the period specified in sub-paragraph (1)(a)(i) or (ii)—

- (a) if the applicant has received any earnings for the period that the applicant has been in that employment and those earnings are likely to represent the applicant's average weekly earnings from that employment the applicant's average weekly earnings must be estimated by reference to those earnings;
- (b) in any other case, the authority must estimate the applicant's average weekly earnings(1).

(1) Powers in section 14A of the 1992 Act may be used to confer power to require employers to provide information for these purposes.

(3) Os yw swm enillion y ceisydd yn newid, rhaid i'r awdurdod amcangyfrif enillion wythnosol cyfartalog y ceisydd drwy gyfeirio at enillion tebygol y ceisydd o'r gyflogaeth dros ba bynnag gyfnod sy'n briodol er mwyn amcangyfrif yr enillion wythnosol cyfartalog yn gywir, ond ni chaiff hyd y cyfnod, mewn unrhyw achos, fod yn hwy na 52 wythnos.

(4) At ddibenion y paragraff hwn rhaid cyfrifo enillion y ceisydd yn unol â pharagraffau 48 a 49 (enillion enillwyr cyflogedig: personau nad ydynt yn bensiynwyr).

Enillion wythnosol cyfartalog enillwyr hunangyflogedig: personau nad ydynt yn bensiynwyr

45.—(1) Pan fo incwm ceisydd nad yw'n bensiynwr yn enillion o gyflogaeth fel enillydd hunangyflogedig, rhaid amcangyfrif enillion wythnosol cyfartalog y ceisydd hwnnw drwy gyfeirio at enillion y ceisydd hwnnw o'r gyflogaeth honno dros ba bynnag gyfnod sy'n briodol er mwyn amcangyfrif yr enillion wythnosol cyfartalog y ceisydd hwnnw yn gywir, ond ni chaiff hyd y cyfnod, mewn unrhyw achos, fod yn hwy na 52 wythnos.

(2) At ddibenion y paragraff hwn rhaid cyfrifo enillion y ceisydd yn unol â pharagraffau 50, 58 a 59 (enillion ac elw net enillwyr hunangyflogedig).

Incwm wythnosol cyfartalog ac eithrio enillion: personau nad ydynt yn bensiynwyr

46.—(1) Ac eithrio pan fo is-baragraff (2) yn gymwys, rhaid amcangyfrif incwm ac eithrio enillion ceisydd nad yw'n bensiynwr dros ba bynnag gyfnod sy'n briodol er mwyn amcangyfrif incwm wythnosol cyfartalog y ceisydd hwnnw yn gywir, ond ni chaiff y cyfnod mewn unrhyw achos fod yn hwy na 52 wythnos; ac nid oes dim yn y paragraff hwn sy'n awdurdodi awdurdod i ddiystyru unrhyw incwm o'r fath ac eithrio'r hyn a bennir yn Atodlen 7 (symiau a ddiystyrir wrth gyfrifo incwm ac eithrio enillion: personau nad ydynt yn bensiynwyr).

(2) Rhaid i'r cyfnod y cymerir i ystyriaeth drosto unrhyw fudd-dal o dan y Deddfau budd-dal, fod y cyfnod y telir y budd-dal hwnnw mewn perthynas ag ef.

(3) At ddibenion y paragraff hwn, rhaid cyfrifo incwm ac eithrio enillion yn unol â pharagraff 51 (cyfrifo incwm ac eithrio enillion: personau nad ydynt yn bensiynwyr).

(3) Where the amount of an applicant's earnings changes the authority must estimate the applicant's average weekly earnings by reference to the applicant's likely earnings from the employment over such period as is appropriate in order that the applicant's average weekly earnings may be estimated accurately but the length of the period must not in any case exceed 52 weeks.

(4) For the purposes of this paragraph the applicant's earnings are to be calculated in accordance with paragraphs 48 and 49 (earnings of employed earners: persons who are not pensioners).

Average weekly earnings of self-employed earners: persons who are not pensioners

45.—(1) Where the income of an applicant who is not a pensioner consists of earnings from employment as a self-employed earner that applicant's average weekly earnings must be estimated by reference to that applicant's earnings from that employment over such period as is appropriate in order that that applicant's average weekly earnings may be estimated accurately but the length of the period must not in any case exceed 52 weeks.

(2) For the purposes of this paragraph the applicant's earnings must be calculated in accordance with paragraphs 50, 58 and 59 (earnings and net profit of self-employed earners).

Average weekly income other than earnings: persons who are not pensioners

46.—(1) The income of an applicant who is not a pensioner which does not consist of earnings must, except where sub-paragraph (2) applies, be estimated over such period as is appropriate in order that that applicant's average weekly income may be estimated accurately but the length of the period must not in any case exceed 52 weeks; and nothing in this paragraph authorises an authority to disregard any such income other than that specified in Schedule 7 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners).

(2) The period over which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.

(3) For the purposes of this paragraph income other than earnings is to be calculated in accordance with paragraph 51 (calculation of income other than earnings: persons who are not pensioners).

Cyfrifo incwm wythnosol enillwyr cyflogedig: personau nad ydynt yn bensiynwyr

47.—(1) At ddibenion paragraffau 44 (enillion wythnosol cyfartalog enillwyr cyflogedig), 46 (incwm wythnosol cyfartalog ac eithrio enillion) a 56 (cyfrifo incwm wythnosol cyfartalog o greydau treth), os yw'r cyfnod y gwneir taliad mewn perthynas ag ef—

- (a) yn ddim mwy nag wythnos, y swm wythnosol fydd swm y taliad hwnnw;
- (b) yn fwy nag wythnos, rhaid penderfynu'r swm wythnosol—
 - (i) mewn achos pan fo'r cyfnod hwnnw yn fis, drwy luosi swm y taliad gyda 12 a rhannu'r lluoswm gyda 52;
 - (ii) mewn unrhyw achos arall, drwy rannu swm y taliad gyda'r rhif sy'n hafal i nifer y diwrnodau yn y cyfnod y mae'r taliad yn berthynol iddo a lluosu'r cyniferydd gyda 7.

(2) At ddibenion paragraff 45 (enillion wythnosol cyfartalog enillwyr hunangyflogedig) rhaid penderfynu swm wythnosol enillion ceisydd drwy rannu enillion y ceisydd dros y cyfnod asesu gyda'r rhif sy'n hafal i nifer y diwrnodau yn y cyfnod hwnnw a lluosu'r cyniferydd gyda 7.

Enillion enillwyr cyflogedig: personau nad ydynt yn bensiynwyr

48.—(1) Yn ddarostyngedig i is-baragraff (2), ystyr "enillion" ("*earnings*"), yn achos cyflogaeth person nad yw'n bensiynwr fel enillydd cyflogedig, yw unrhyw gydnabyddiaeth ariannol neu elw sy'n deillio o'r gyflogaeth honno ac y mae'n cynnwys—

- (a) unrhyw fonws neu gomisiwn;
- (b) unrhyw daliad a wneir yn lle cydnabyddiaeth ariannol ac eithrio unrhyw swm cyfnodol a delir i geisydd o ganlyniad i derfynu cyflogaeth y ceisydd hwnnw oherwydd dileu swydd;
- (c) unrhyw daliad yn lle rhybudd neu unrhyw gyfandaliad y bwriedir iddo ddigolledu am gollu cyflogaeth, ond hynny i'r graddau, yn unig, y mae'n cynrychioli colled incwm;
- (d) unrhyw dâl gwyliau ac eithrio unrhyw dâl o'r fath sy'n daladwy ymhen mwy na 4 wythnos ar ôl terfynu'r gyflogaeth neu ar ôl toriad yn y gyflogaeth;
- (e) unrhyw daliad ar ffurf tâl cadw;
- (f) unrhyw daliad a wneir gan gyflogwr y ceisydd mewn perthynas â threuliau nas tynnwyd yn gyfan gwbl, yn unig ac yn angenrheidiol wrth gyflawni dyletswyddau'r

Calculation of weekly income of employed earners: persons who are not pensioners

47.—(1) For the purposes of paragraphs 44 (average weekly earnings of employed earners), 46 (average weekly income other than earnings) and 56 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made—

- (a) does not exceed a week, the weekly amount is to be the amount of that payment;
- (b) exceeds a week, the weekly amount is to be determined—
 - (i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
 - (ii) in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the quotient by 7.

(2) For the purposes of paragraph 45 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant is to be determined by dividing the applicant's earnings over the assessment period by the number equal to the number of days in that period and multiplying the quotient by 7.

Earnings of employed earners: persons who are not pensioners

48.—(1) Subject to sub-paragraph (2), "earnings" ("*enillion*"), in the case of employment as an employed earner of a person who is not a pensioner, means any remuneration or profit derived from that employment and includes—

- (a) any bonus or commission;
- (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of the applicant's employment by reason of redundancy;
- (c) any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- (d) any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- (e) any payment by way of a retainer;
- (f) any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the

gyflogaeth, gan gynnwys unrhyw daliad a wneir gan gyflogwr y ceisydd mewn perthynas ag—

- (i) treuliau a dynnir gan y ceisydd ynglŷn â theithio rhwng ei gartref a'r man lle y'i cyflogir;
 - (ii) treuliau a dynnir gan y ceisydd o dan drefniadau a wnaed ar gyfer gofal aelod o deulu'r ceisydd, oherwydd absenoldeb y ceisydd o'i gartref;
 - (g) unrhyw ddyfarniad i ddigolledu a wneir o dan adran 112(4) neu 117(3)(a) o Ddeddf Hawliau Cyflogaeth 1996(1) (rhwymediâu a digolledu am ddiswyddo annheg);
 - (h) unrhyw daliad neu gydnabyddiaeth ariannol a wneir o dan adran 28, 34, 64, 68 neu 70 o Ddeddf Hawliau Cyflogaeth 1996 (hawl i daliadau gwarantu, cydnabyddiaeth ariannol yn ystod ataliad dros dro ar seiliau meddygol neu famolaeth, cwynion i dribiwnlysoedd cyflogaeth);
 - (i) unrhyw swm o fath y cyfeirir ato yn adran 112 o DCBNC (symiau penodol sy'n enillion at ddibenion nawdd cymdeithasol);
 - (j) unrhyw dâl salwch statudol, tâl mamolaeth statudol, tâl tadolaeth statudol neu dâl mabwysiadu statudol, neu daliad cyfatebol o dan unrhyw ddeddfiad sy'n cael effaith yng Ngogledd Iwerddon;
 - (k) unrhyw gydnabyddiaeth ariannol a delir gan neu ar ran cyflogwr i'r ceisydd tra bo'r ceisydd ar absenoldeb mamolaeth, absenoldeb tadolaeth neu absenoldeb mabwysiadu neu'n absennol o'i waith oherwydd salwch y ceisydd
 - (l) swm unrhyw daliad ar ffurf taleb anariannol a gymerwyd i ystyriaeth wrth gyfrifo enillion person yn unol â Rhan 5 o Atodlen 3 i Reoliadau Nawdd Cymdeithasol (Cyfraniadau) 2001 (2).
- (2) Nid yw enillion yn cynnwys—
- (a) yn ddarostyngedig i is-baragraff (3), unrhyw daliad mewn nwyddau neu wasanaethau;
 - (b) unrhyw daliad mewn perthynas â threuliau a dynnir yn gyfan gwbl, yn unig ac yn angenrheidiol wrth gyflawni dyletswyddau'r gyflogaeth;
 - (c) unrhyw bensiwn galwedigaethol;

employment, including any payment made by the applicant's employer in respect of—

- (i) travelling expenses incurred by the applicant between the applicant's home and place of employment;
 - (ii) expenses incurred by the applicant under arrangements made for the care of a member of the applicant's family owing to the applicant's absence from home;
 - (g) any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996(1) (remedies and compensation for unfair dismissal);
 - (h) any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
 - (i) any such sum as is referred to in section 112 of the SSCBA (certain sums to be earnings for social security purposes);
 - (j) any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
 - (k) any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because the applicant is ill;
 - (l) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001(2).
- (2) Earnings does not include—
- (a) subject to sub-paragraph (3), any payment in kind;
 - (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
 - (c) any occupational pension;

(1) 1996 p.18.
(2) O.S. 2001/1004.

(1) 1996 c.18.
(2) S.I. 2001/1004.

- (d) unrhyw daliad mewn perthynas â threuliau sy'n deillio o gyfranogiad y ceisydd mewn grŵp defnyddwyr gwasanaeth.

(3) Nid yw is-baragraff (2)(a) yn gymwys mewn perthynas ag unrhyw daleb anariannol y cyfeirir ati yn is-baragraff (1)(1).

Cyfrifo enillion net enillwyr cyflogedig: personau nad ydynt yn bensiynwyr

49.—(1) At ddibenion paragraff 44 (enillion wythnosol cyfartalog enillwyr cyflogedig: personau nad ydynt yn bensiynwyr), rhaid i enillion y ceisydd sy'n deillio, neu'n debygol o ddeillio, o'i gyflogaeth fel enillydd cyflogedig, ac y'u cymerir i ystyriaeth, yn ddarostyngedig i is-baragraff (2), fod yn enillion net y ceisydd.

(2) Rhaid diystyru, o enillion net y ceisydd, unrhyw swm, pan fo'n gymwys, a bennir ym mharagraffau 1 i 18 o Atodlen 6 (symiau a ddiystyriwr wrth gyfrifo enillion: personau nad ydynt yn bensiynwyr).

(3) At ddibenion is-baragraff (1) rhaid cyfrifo'r enillion net, ac eithrio pan fo is-baragraff (6) yn gymwys, drwy gymryd i ystyriaeth enillion gros y ceisydd o'r gyflogaeth honno dros y cyfnod asesu, llai—

- (a) unrhyw swm a ddiydynnir o'r enillion hynny ar gyfer—
 - (i) treth incwm;
 - (ii) cyfraniadau Dosbarth 1 sylfaenol o dan DCBNC;
- (b) hanner unrhyw swm a delir gan y ceisydd fel cyfraniad tuag at gynllun pensiwn galwedigaethol;
- (c) hanner y swm a gyfrifir yn unol ag is-baragraff (5) mewn perthynas ag unrhyw gyfraniad cymwys sy'n daladwy gan y ceisydd; a
- (d) os yw'r enillion hynny'n cynnwys taliad sy'n daladwy o dan unrhyw ddeddfiad sy'n cael effaith yng Ngogledd Iwerddon ac sy'n cyfateb i dâl salwch statudol, tâl mamolaeth statudol, tâl tadolaeth statudol cyffredin neu ychwanegol neu dâl mabwysiadu statudol, unrhyw swm a ddiydynnir o'r enillion hynny fel unrhyw gyfraniadau sy'n cyfateb i gyfraniadau Dosbarth 1 sylfaenol o dan DCBNC.

(4) Yn y paragraff hwn, ystyr "cyfraniad cymwys" ("*qualifying contribution*") yw unrhyw swm sy'n daladwy fesul cyfnod fel cyfraniad tuag at gynllun pensiwn personol.

(5) Rhaid cyfrifo'r swm mewn perthynas ag unrhyw gyfraniad cymwys drwy luosi swm dyddiol y cyfraniad

- (d) any payment in respect of expenses arising out of the applicant's participation in a service user group.

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(1).

Calculation of net earnings of employed earners: persons who are not pensioners

49.—(1) For the purposes of paragraph 44 (average weekly earnings of employed earners: persons who are not pensioners), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account must, subject to sub-paragraph (2), be the applicant's net earnings.

(2) There is to be disregarded from an applicant's net earnings, any sum, where applicable, specified in paragraphs 1 to 18 of Schedule 6 (sums disregarded in the calculation of earnings: persons who are not pensioners).

(3) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (6) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—

- (a) any amount deducted from those earnings by way of—
 - (i) income tax;
 - (ii) primary Class 1 contributions under the SSCBA;
- (b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- (c) one-half of the amount calculated in accordance with sub-paragraph (5) in respect of any qualifying contribution payable by the applicant; and
- (d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which correspond to primary Class 1 contributions under the SSCBA.

(4) In this regulation "qualifying contribution" ("*cyfraniad cymwys*") means any sum which is payable periodically as a contribution towards a personal pension scheme.

(5) The amount in respect of any qualifying contribution is to be calculated by multiplying the

cymwys gyda'r rhif sy'n hafal i nifer y diwrnodau yn y cyfnod asesu; ac at ddibenion y paragraff hwn, rhaid penderfynu swm dyddiol y cyfraniad cymwys fel a ganlyn—

- (a) os yw'r cyfraniad cymwys yn daladwy yn fisol, drwy luosi swm y cyfraniad cymwys gyda 12 a rhannu'r lluoswm gyda 365;
- (b) mewn unrhyw achos arall, drwy rannu swm y cyfraniad cymwys gyda'r rhif sy'n hafal i nifer y diwrnodau yn y cyfnod y mae'r cyfraniad cymwys yn berthynol iddo.

(6) Pan amcangyfrifir enillion ceisydd o dan baragraff 44(2)(b) (enillion wythnosol cyfartalog enillwyr cyflogedig: personau nad ydynt yn bensiynwyr), rhaid cyfrifo enillion net y ceisydd hwnnw drwy gymryd i ystyriaeth yr enillion hynny dros y cyfnod asesu, llai—

- (a) swm mewn perthynas â threth incwm, sy'n gyfwerth â'r swm a gyfrifir drwy gymhwyso i'r enillion hynny y gyfradd dreth sylfaenol sy'n gymwys i'r cyfnod asesu, llai, yn unig, y rhyddhad personol y mae hawl gan y ceisydd i'w gael o dan adrannau 35 i 37 o Ddeddf Treth Incwm 2007(1) (Iwfansau personol), fel y bo'n briodol i amgylchiadau'r ceisydd, ond os yw'r cyfnod asesu'n llai na blwyddyn, rhaid cyfrifo'r enillion y cymhwysir y gyfradd dreth sylfaenol iddynt a swm y rhyddhad personol sy'n ddiodynadwy o dan yr is-baragraff hwn ar sail *pro rata*;
- (b) swm sy'n gyfwerth â swm y cyfraniadau Dosbarth 1 sylfaenol a fyddai'n daladwy gan y ceisydd o dan DCBNC mewn perthynas â'r enillion hynny pe bai cyfraniadau o'r fath yn daladwy; ac
- (c) hanner unrhyw swm a fyddai'n daladwy gan y ceisydd fel cyfraniad tuag at gynllun pensiwn galwedigaethol neu bersonol, pe bai'r enillion a amcangyfrifwyd felly yn enillion gwirioneddol.

daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying contribution is to be determined—

- (a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
- (b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.

(6) Where the earnings of an applicant are estimated under paragraph 44(2)(b) (average weekly earnings of employed earners: persons who are not pensioners), the applicant's net earnings are to be calculated by taking into account those earnings over the assessment period, less—

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007(1) (personal allowances) as is appropriate to the applicant's circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by the applicant under the SSCBA in respect of those earnings if such contributions were payable; and
- (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

(1) 2007 p.3; diwygiwyd pennawd ac is-adran (1) o adran 35 gan adran 4 o Ddeddf Cyllid 2012 (p.14) ("Deddf 2012"); mewnosodwyd is-adrannau (2) a (4) gan adran 4 o Ddeddf Cyllid 2009 (p.10). Yn adran 36, diwygiwyd y pennawd ac is-adran (2), amnewidiwyd is-adran (1) ac mewnosodwyd is-adran (2A) gan adran 4 o Ddeddf 2012; mae is-adran (2) wedi ei diwygio hefyd gan erthygl 3 o O.S. 2012/3047 ac adran 4 o Ddeddf Cyllid 2009. Yn adran 37, diwygiwyd y pennawd ac is-adran (2), amnewidiwyd is-adran (1) ac mewnosodwyd is-adran (2A) gan adran 4 o Ddeddf 2012; mae is-adran (2) wedi ei diwygio hefyd gan erthygl 3 o O.S. 2012/3047 ac adran 4 o Ddeddf Cyllid 2009.

(1) 2007 c.3; the heading and subsection (1) of section 35 were amended by section 4 of the Finance Act 2012 (c.14) ("2012 Act"); subsections (2) and (4) inserted by section 4 of the Finance Act 2009 (c.10). In section 36, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by article 3 of S.I. 2012/3047 and section 4 of the Finance Act 2009. In section 37, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act, subsection (2) has also been amended by article 3 of S.I. 2012/3047 and section 4 of the Finance Act 2009.

Enillion enillwyr hunangyflogedig: personau nad ydynt yn bensiynwyr

50.—(1) Yn ddarostyngedig i is-baragraff (2), ystyr “enillion” (“*earnings*”), yn achos cyflogaeth person nad yw’n bensiynwr fel enillydd hunangyflogedig, yw incwm gros y gyflogaeth.

(2) Nid yw “enillion” yn cynnwys unrhyw daliad y cyfeirir ato ym mharagraff 31 neu 32 o Atodlen 7 (taliadau mewn perthynas â pherson a letyir gyda’r ceisydd o dan drefniadau a wnaed gan awdurdod lleol neu sefydliad gwirfoddol a thaliadau a wneir i’r ceisydd gan awdurdod iechyd, awdurdod lleol neu sefydliad gwirfoddol mewn perthynas â phersonau sydd yng ngofal y ceisydd dros dro) nac unrhyw ddyfarniad chwaraeon.

(3) Mae’r paragraff hwn yn gymwys i—

- (a) breindaliadau neu symiau eraill a delir yn gyfnewid am ddefnyddio, neu’r hawl i ddefnyddio, unrhyw hawlfraint, dyluniad, patent neu nod masnach; neu
- (b) unrhyw daliad mewn perthynas ag—
 - (i) unrhyw lyfr a gofrestrwyd o dan Gynllun Hawliau Benthg i’r Cyhoedd 1982; neu
 - (ii) unrhyw waith a wnaed o dan unrhyw gynllun hawliau benthg i’r cyhoedd rhyngwladol cyfatebol i Gynllun Hawliau Benthg i’r Cyhoedd 1982,

pan fo’r ceisydd yn berchennog cyntaf yr hawlfraint, dyluniad, patent neu nod masnach, neu’n gyfrannwr gwreiddiol i’r llyfr neu’r gwaith dan sylw.

(4) Pan fo enillion y ceisydd yn cynnwys unrhyw eitemau y mae is-baragraff (3) yn gymwys iddynt, rhaid cymryd yr enillion hynny i ystyriaeth dros gyfnod o’r nifer o wythnosau sy’n hafal i’r rhif a geir (a rhaid trin unrhyw ffracsiwn fel y ffracsiwn cyfatebol o wythnos) drwy rannu’r enillion gyda—

- (a) swm y gostyngiad o dan y cynllun hwn y byddai hawl wedi bod gan y ceisydd i’w gael pe na bai’r taliad wedi ei wneud, plws
- (b) swm sy’n hafal i gyfanswm y symiau y byddid yn eu diystyru o’r taliad o dan Atodlen 6 (symiau a ddiystyrir wrth gyfrifo enillion: personau nad ydynt yn bensiynwyr) fel y bo’n briodol yn achos y ceisydd.

Cyfrifo incwm ac eithrio enillion: personau nad ydynt yn bensiynwyr

51.—(1) Yn achos ceisydd nad yw’n bensiynwr, at ddibenion paragraff 46 (incwm wythnosol cyfartalog ac eithrio enillion: personau nad ydynt yn bensiynwyr), rhaid i’r incwm nad yw’n enillion a

Earnings of self-employed earners: persons who are not pensioners

50.—(1) Subject to sub-paragraph (2), “earnings” (“*enillion*”), in the case of employment as a self-employed earner of a person who is not a pensioner, means the gross income of the employment.

(2) “Earnings” does not include any payment to which paragraph 31 or 32 of Schedule 7 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant’s care) nor does it include any sports award.

(3) This paragraph applies to—

- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
- (b) any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982,

where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book or work concerned.

(4) Where the applicant’s earnings consist of any items to which sub-paragraph (3) applies, those earnings must be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by—

- (a) the amount of reduction under this scheme to which the applicant would have been entitled had the payment not been made, plus
- (b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 6 (sums disregarded in the calculation of earnings; persons who are not pensioners) as appropriate in the applicant’s case.

Calculation of income other than earnings: persons who are not pensioners

51.—(1) For the purposes of paragraph 46 (average weekly income other than earnings: persons who are not pensioners), the income of an applicant who is not a pensioner which does not consist of earnings to

gymerir i ystyriaeth, yn ddarostyngedig i is-baragraffau (2) i (6), fod yn incwm gros y ceisydd hwnnw ynghyd ag unrhyw gyfalaf a drinnir fel incwm o dan baragraff 52 (cyfalaf a drinnir fel incwm: personau nad ydynt yn bensiynwyr).

(2) Wrth gyfrifo incwm gros ceisydd o dan is-baragraff (1), rhaid diystyru unrhyw swm, pan fo'n gymwys, a bennir yn Atodlen 7

(3) Os yw'r taliad o unrhyw fudd-dal o dan y Deddfau budd-dal yn ddarostyngedig i unrhyw ddiidyniad ynglŷn ag adennill, y swm sydd i'w gymryd i ystyriaeth o dan is-baragraff (1) yw'r swm gros sy'n daladwy.

(4) Pan fo'r ceisydd neu, os yw'r ceisydd yn aelod o gwpl, partner y ceisydd, yn cael lwfans cyflogaeth a chymorth cyfrannol a'r budd-dal hwnnw wedi ei leihau o dan reoliad 63 o Reoliadau Lwfans Cyflogaeth a Chymorth 2008(1), y swm o'r budd-dal hwnnw sydd i'w gymryd i ystyriaeth yw'r swm fel pe na bai wedi ei leihau.

(5) Pan fo dyfarniad o unrhyw gredyd treth gwaith neu gredyd treth plant o dan Ddeddf Credydau Treth 2002(2) yn ddarostyngedig i ddiidyniad ar gyfer adennill gordaliad o gredyd treth gwaith neu gredyd treth plant a ddigwyddodd mewn blwyddyn dreth flaenorol, y swm y mae'n rhaid ei gymryd i ystyriaeth o dan is-baragraff (1) yw swm y credyd treth gwaith neu gredyd treth plant a ddyfarnwyd llai swm y didyniad hwnnw.

(6) Mae is-baragraffau (7) ac (8) yn gymwys pan fo—

- (a) taliad perthnasol wedi ei wneud i berson mewn blwyddyn academaidd; a
- (b) y person hwnnw'n gadael ei gwrs astudio, neu'n cael ei ddiarddel ohono, cyn bo'r rhandaliad olaf o'r taliad perthnasol wedi ei dalu i'r person hwnnw.

(7) Pan fo taliad perthnasol yn cael ei wneud fesul chwarter, rhaid cyfrifo swm y taliad perthnasol sydd i'w gymryd i ystyriaeth ar gyfer y cyfnod asesu at ddibenion is-baragraff (1) mewn perthynas â pherson y mae is-baragraff (6) yn gymwys iddo drwy gymhwyso'r fformiwla—

$$(A - (B \times C)) / D$$

pan fo—

A = cyfanswm y taliad perthnasol y byddai'r person hwnnw wedi ei gael pe bai'r person hwnnw wedi parhau'n fyfyrwr tan ddiwrnod olaf y tymor academaidd pan adawodd y person

be taken into account must, subject to sub-paragraphs (2) to (6), be that applicant's gross income and any capital treated as income under paragraph 52 (capital treated as income: persons who are not pensioners).

(2) There is to be disregarded from the calculation of an applicant's gross income under sub-paragraph (1), any sum, where applicable, specified in Schedule 7.

(3) Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under sub-paragraph (1) must be the gross amount payable.

(4) Where the applicant or, where the applicant is a member of a couple, the applicant's partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008(1), the amount of that benefit to be taken into account is the amount as if it had not been reduced.

(5) Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002(2) is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

(6) Sub-paragraphs (7) and (8) apply where—

- (a) a relevant payment has been made to a person in an academic year; and
- (b) that person abandons, or is dismissed from, that person's course of study before the payment to that person of the final instalment of the relevant payment.

(7) Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (6) applies, is to be calculated by applying the formula—

$$(A - (B \times C)) / D$$

where—

A = the total amount of the relevant payment which that person would have received had that person remained a student until the last day of the academic term in which that person

(1) O.S. 2008/794.
(2) 2002 p.21.

(1) S.I. 2008/794.
(2) 2002 c.21.

hwnnw y cwrs neu pan ddiarddelwyd ef ohono, llai unrhyw ddiidyniad o dan baragraff 78(5) (costau teithio, llyfrau a chyfarpar);

B = nifer yr wythnosau gostyngiad o'r wythnos ostyngiad yn union ar ôl honno sy'n cynnwys diwrnod cyntaf y flwyddyn academiaidd honno i'r wythnos ostyngiad sy'n cynnwys y diwrnod pan adawodd y person hwnnw y cwrs neu pan ddiarddelwyd ef ohono;

C = swm wythnosol y taliad perthnasol, cyn gweithredu'r diystyriad o £10 y byddid wedi ei gymryd i ystyriaeth fel incwm o dan baragraff 78(2) (trin benthyciadau myfyriwr) pe na bai'r person wedi gadael y cwrs neu wedi ei ddiarddel ohono ac, yn achos person nad oedd hawl ganddo i ostyngiad o dan y cynllun hwn yn union cyn iddo adael y cwrs neu gael ei ddiarddel ohono, pe bai'r person hwnnw, ar y pryd hwnnw, wedi bod â hawl i gael budd-dal tai;

D = nifer yr wythnosau gostyngiad yn y cyfnod asesu.

(8) Pan wneir taliad perthnasol mewn dau neu ragor o randaliadau mewn chwarter, rhaid cyfrifo swm y taliad perthnasol sydd i'w gymryd i ystyriaeth ar gyfer y cyfnod asesu at ddibenion is-baragraff (1) mewn perthynas â pherson y mae is-baragraff (6) yn gymwys iddo drwy gymhwyso'r fformiwla yn is-baragraff (7), ond fel pe bai—

A = cyfanswm y taliadau perthnasol a gafodd y person hwnnw neu y byddai wedi eu cael, o ddiwrnod cyntaf y flwyddyn academiaidd hyd at y diwrnod pan adawodd y person hwnnw y cwrs neu pan ddiarddelwyd ef ohono, llai unrhyw ddiidyniad o dan baragraff 78(5)

(9) Yn y paragraff hwn—

mae i "blwyddyn academiaidd" ("*academic year*") a "benthyciad myfyriwr" ("*student loan*") yr un ystyron ag yn Rhan 10 (myfyriwr);

ystyr "cyfnod asesu" ("*assessment period*") yw—

- (a) mewn achos pan wneir taliad perthnasol fesul chwarter, y cyfnod sy'n cychwyn gyda'r wythnos ostyngiad sy'n cynnwys y diwrnod pan adawodd y person y cwrs neu pan ddiarddelwyd ef ohono ac yn diweddu gyda'r wythnos ostyngiad sy'n cynnwys diwrnod olaf y chwarter olaf yr oedd rhandaliad o'r taliad perthnasol yn daladwy ar ei gyfer i'r person hwnnw;
- (b) mewn achos pan wneir y taliad perthnasol mewn dau neu ragor o randaliadau bob chwarter y cyfnod sy'n cychwyn gyda'r wythnos ostyngiad sy'n cynnwys y diwrnod

abandoned, or was dismissed from, the course, less any deduction under paragraph 78(5) (costs of travel, books and equipment);

B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, the course;

C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 78(2) (treatment of student loans) had the person not abandoned or been dismissed from, the course and, in the case of a person who was not entitled to a reduction under this scheme immediately before that person abandoned or was dismissed from the course, had that person, at that time, been entitled to housing benefit;

D = the number of reduction weeks in the assessment period.

(8) Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (6) applies, is to be calculated by applying the formula in sub-paragraph (7) but as if—

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 78(5).

(9) In this paragraph—

"academic year" ("*blwyddyn academiaidd*") and "student loan" ("*benthyciad myfyriwr*") have the same meanings as in Part 10 (students);

"assessment period" ("*cyfnod asesu*") means—

- (a) in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, the course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;
- (b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on

pan adawodd y person y cwrs neu pan ddiarddelwyd ef ohono ac yn diweddu gyda'r wythnos ostyngiad sy'n cynnwys—

- (i) y diwrnod yn union cyn y diwrnod pan fyddai'r rhandaliad nesaf o'r taliad perthnasol wedi bod yn ddyladwy pe bai'r taliadau wedi parhau; neu
- (ii) diwrnod olaf y chwarter olaf yr oedd rhandaliad o'r taliad perthnasol yn daladwy i'r person hwnnw ar ei gyfer,

pa un bynnag o'r dyddiadau hynny yw'r cynharaf;

ystyr "chwarter" ("*quarter*") mewn perthynas â chyfnod asesu yw cyfnod yn y flwyddyn honno sy'n cychwyn ar—

- (c) 1 Ionawr ac yn diweddu ar 31 Mawrth;
- (d) 1 Ebrill ac yn diweddu ar 30 Mehefin;
- (e) 1 Gorffennaf ac yn diweddu ar 31 Awst; neu
- (f) 1 Medi ac yn diweddu ar 31 Rhagfyr;

ystyr "taliad perthnasol" ("*relevant payment*") yw naill ai benthyciad myfyriwr neu swm a fwriedir ar gyfer cynhaliath dibynyddion, y cyfeirir ato ym mharagraff 73(7) neu'r ddau.

(10) Er mwyn osgoi amheuaeth, rhaid cynnwys fel incwm sydd i'w gymryd i ystyriaeth o dan is-baragraff (1)—

- (a) unrhyw daliad y mae paragraff 48(2) (taliadau ac eithrio enillion) yn gymwys iddo; neu
- (b) yn achos ceisydd sy'n cael cymorth o dan adran 95 neu 98 o Ddeddf Mewnfudo a Lloches 1999(1), gan gynnwys cymorth a ddarperir yn rhinwedd rheoliadau a wnaed o dan Atodlen 9 i'r Ddeddf honno, swm y cymorth o'r fath a ddarperir mewn perthynas ag anghenion byw hanfodol y ceisydd a dibynyddion y ceisydd (os oes rhai), fel y pennir mewn rheoliadau a wnaed o dan baragraff 3 o Atodlen 8 i Ddeddf Mewnfudo a Lloches 1999.

Cyfalaf a drinnir fel incwm: personau nad ydynt yn bensiynwyr

52.—(1) Rhaid trin fel incwm unrhyw gyfalaf sy'n daladwy mewn rhandaliadau sy'n orddyledus ar y dyddiad y gwneir y cais neu'r dyddiad y trinnir y cais fel pe bai wedi ei wneud, neu ar ddyddiad unrhyw ddiwygiad neu ddisodliad diweddarach, os yw swm cyfanredol y rhandaliadau gorddyledus a swm cyfalaf

which the person abandoned, or was dismissed from, the course and ending with the reduction week which includes—

- (i) the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
- (ii) the last day of the last quarter for which an instalment of the relevant payment was payable to that person,

whichever of those dates is earlier;

"quarter" ("*chwarter*") in relation to an assessment period means a period in that year beginning on—

- (c) 1 January and ending on 31 March;
- (d) 1 April and ending on 30 June;
- (e) 1 July and ending on 31 August; or
- (f) 1 September and ending on 31 December;

"relevant payment" ("*taliad perthnasol*") means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 73(7) or both.

(10) For the avoidance of doubt there must be included as income to be taken into account under sub-paragraph (1)—

- (a) any payment to which paragraph 48(2) (payments not earnings) applies; or
- (b) in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999(1) including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and the applicant's dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

Capital treated as income: persons who are not pensioners

52.—(1) Any capital payable by instalments which are outstanding at the date on which the application is made or treated as made, or, at the date of any subsequent revision or supersession, must, if the aggregate of the instalments outstanding and the amount of the applicant's capital otherwise calculated

(1) 1999 p.33.

(1) 1999 c.33.

y ceisydd a gyfrifir fel arall yn unol â Phennod 7 o'r Rhan hon yn fwy nag £16,000.

(2) Rhaid trin fel incwm unrhyw daliad a geir o dan flwydd-dal.

(3) Rhaid trin unrhyw enillion i'r graddau nad ydynt yn daliad o incwm, fel pe baent yn incwm.

(4) Rhaid trin unrhyw Fenthyciad Datblygu Gyrfa a delir yn unol ag adran 2 o Ddeddf Cyflogaeth a Hyfforddiant 1973 fel pe bai'n incwm.

(5) Pan fo cytundeb neu orchymyn llys yn darparu bod rhaid gwneud taliadau i'r ceisydd o ganlyniad i unrhyw niwed personol i'r ceisydd a bod y cyfryw daliadau i gael eu gwneud, yn gyfan gwbl neu'n rhannol, ar ffurf taliadau cyfnodol, rhaid trin unrhyw daliadau cyfnodol o'r fath a gaiff y ceisydd (ond nid taliad sydd i'w drin fel cyfalaf yn rhinwedd y Rhan hon) fel pe bai'n incwm.

Incwm tybiannol: personau nad ydynt yn bensiynwyr

53.—(1) Rhaid trin ceisydd nad yw'n bensiynwr fel pe bai'n meddu incwm y mae'r ceisydd hwnnw wedi amddifadu ei hunan ohono at y diben o sicrhau hawlogaeth i ostyngiad, neu gynyddu swm y gostyngiad.

(2) Ac eithrio yn achos—

- (a) ymddiriedolaeth ddisgresiynol;
- (b) ymddiriedolaeth sy'n deillio o daliad a wnaed o ganlyniad i niwed personol;
- (c) cynllun pensiwn personol, cynllun pensiwn galwedigaethol neu daliad a wneir gan Fwrdd y Gronfa Diogelu Pensiynau pan nad yw'r ceisydd wedi cyrraedd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth;
- (d) unrhyw swm y mae paragraff 48(2)(a) o Atodlen 9 (diystyriadau cyfalaf: personau nad ydynt yn bensiynwyr) yn gymwys iddo, a weinyddir yn y modd y cyfeirir ato ym mharagraff 48(1)(a) o'r Atodlen honno;
- (e) unrhyw swm y mae paragraff 49(a) o Atodlen 9 yn cyfeirio ato;
- (f) lwfans adsefydlu a wnaed o dan adran 2 o Ddeddf Cyflogaeth a Hyfforddiant 1973;
- (g) credyd treth plant;
- (h) credyd treth gwaith, neu
- (i) unrhyw swm y mae is-baragraff (11) yn gymwys iddo,

rhaid trin unrhyw incwm, a fyddai wedi bod ar gael i'r ceisydd pe bai wedi gwneud cais amdano, ond nas caffaelwyd gan y ceisydd, fel pe bai'r ceisydd yn

in accordance with Chapter 7 of this Part exceeds £16,000, be treated as income.

(2) Any payment received under an annuity is to be treated as income.

(3) Any earnings to the extent that they are not a payment of income is to be treated as income.

(4) Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 is to be treated as income.

(5) Where an agreement or court order provides that payments must be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital by virtue of this Part), is to be treated as income.

Notional income: persons who are not pensioners

53.—(1) An applicant who is not a pensioner is to be treated as possessing income of which that applicant has deprived himself or herself for the purpose of securing entitlement to a reduction or increasing the amount of the reduction.

(2) Except in the case of—

- (a) a discretionary trust;
- (b) a trust derived from a payment made in consequence of a personal injury;
- (c) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
- (d) any sum to which paragraph 48(2)(a) of Schedule 9 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 48(1)(a) of that Schedule;
- (e) any sum to which paragraph 49(a) of Schedule 9 refers;
- (f) rehabilitation allowance made under section 2 of the Employment and Training Act 1973;
- (g) child tax credit;
- (h) working tax credit; or
- (i) any sum to which sub-paragraph (11) applies,

any income which would become available to the applicant upon application being made, but which has not been acquired by the applicant, is to be treated as

meddu'r incwm hwnnw ond hynny yn unig, o'r dyddiad y gellid disgwyl caffael yr incwm pe byddid wedi gwneud cais.

(3) Rhaid trin unrhyw daliad o incwm, ac eithrio taliad o incwm a bennir yn is-baragraff (4), a wneir—

- (a) i drydydd parti mewn perthynas â cheisydd sengl neu aelod o'r teulu (ond nid aelod o deulu'r trydydd parti), pan fo'r taliad hwnnw'n daliad o bensiwn galwedigaethol, pensiwn neu daliad cyfnodol arall a wneir o dan gynllun pensiwn personol, neu daliad a wneir gan Fwrdd y Gronfa Diogelu Pensiynau, fel pe bai'n daliad a feddir gan y ceisydd sengl hwnnw neu, yn ôl fel y digwydd, yr aelod hwnnw;
- (b) i drydydd parti mewn perthynas â cheisydd sengl neu mewn perthynas ag aelod o'r teulu (ond nid aelod o deulu'r trydydd parti), pan nad yw'n daliad y cyfeirir ato ym mharagraff (a), fel pe bai'n daliad a feddir gan y ceisydd sengl hwnnw neu'r aelod hwnnw, i'r graddau y'i defnyddir ar gyfer bwyd, dillad neu esgidiau cyffredin, tanwydd cartref neu rent y ceisydd sengl hwnnw neu, yn ôl fel y digwydd, unrhyw aelod o'r teulu hwnnw, neu y'i defnyddir ar gyfer unrhyw dreth gyngor neu daliadau dŵr y mae'r ceisydd neu'r aelod hwnnw'n atebol amdanynt;
- (c) i geisydd sengl neu aelod o'r teulu mewn perthynas â thrydydd parti (ond nid mewn perthynas ag aelod arall o'r teulu hwnnw) fel pe bai'n daliad a feddir gan y ceisydd sengl hwnnw neu, yn ôl fel y digwydd, yr aelod hwnnw o'r teulu, i'r graddau y'i cedwir neu y'i defnyddir gan y ceisydd sengl hwnnw neu y'i defnyddir gan neu ar ran unrhyw aelod o'r teulu.

(4) Nid yw is-baragraff (3) yn gymwys mewn perthynas â thaliad o incwm a wneir—

- (a) o dan neu gan yr Ymddiriedolaethau, y Gronfa, Ymddiriedolaeth Eileen, MFET Limited, Cronfa Skipton, Sefydliad Caxton neu'r Gronfa Byw'n Annibynnol (2006);
- (b) yn unol ag adran 19(1)(a) o Ddeddf y Diwydiant Glo 1994(1) (glo consesiynol);
- (c) yn unol ag adran 2 o Ddeddf Cyflogaeth a Hyfforddiant 1973 mewn perthynas â chyfranogiad person—

possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.

(3) Any payment of income, other than a payment of income specified in sub-paragraph (4), made—

- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) must, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
- (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by that single applicant or used by or on behalf of any member of the family.

(4) Sub-paragraph (3) does not apply in respect of a payment of income made—

- (a) under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);
- (b) pursuant to section 19(1)(a) of the Coal Industry Act 1994(1) (concessionary coal);
- (c) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—

(1) 1994 p.21.

(1) 1994 c.21.

- (i) mewn rhaglen gyflogaeth yn yr ystyr o “employment programme” a bennir yn rheoliad 75(1)(a) o Reoliadau Lwfans Ceisio Gwaith 1996(1);
- (ii) mewn cynllun hyfforddi yn yr ystyr o “training scheme” a bennir yn rheoliad 75(1)(b) o’r Rheoliadau hynny; neu
- (iii) mewn cwrs cymwys yn yr ystyr o “qualifying course” a bennir yn rheoliad 17A(7) o’r Rheoliadau hynny;
- (d) mewn perthynas â chyfranogiad person yn y Cynllun Peilot Gweithio Am Eich Budd-dal;
- (e) mewn perthynas â chyfranogiad person yn y Cynllun Gweithgaredd Gwaith Gorfodol;
- (f) mewn perthynas â chyfranogiad ceisydd yn y Cynllun Cyflogaeth, Sgiliau a Menter;
- (g) o dan gynllun pensiwn galwedigaethol, mewn perthynas â phensiwn neu daliad cyfnodol arall a wneir o dan gynllun pensiwn personol, neu daliad a wneir gan Fwrdd y Gronfa Diogelu Pensiynau—
 - (i) pan fo gorchymyn methdaliad wedi ei wneud mewn perthynas â’r person y gwnaed y taliad mewn perthynas ag ef neu, yn yr Alban, ystad y person hwnnw’n destun secwestraeth, neu oruchwyliwr barnwrol wedi ei benodi ar ystad y person hwnnw o dan adran 41 o Ddeddf Cyfreithwyr (Yr Alban) 1980(2);
 - (ii) pan fo’r taliad wedi ei wneud i ymddiriedolwr mewn methdaliad neu unrhyw berson arall sy’n gweithredu ar ran y credydwy; a
 - (iii) pan nad yw’r person y cyfeirir ato yn is-baragraff (i) nac unrhyw aelod o deulu’r person hwnnw yn meddu, neu pan na thrinnir hwy fel pe baent yn meddu unrhyw incwm arall ar wahân i’r taliad hwnnw.

(5) Pan fo ceisydd yn cael unrhyw fudd-dal o dan y Deddfau budd-dal a chyfradd y budd-dal hwnnw’n newid gydag effaith o ddyddiad ar neu ar ôl 1 Ebrill mewn unrhyw flwyddyn, ond ddim mwy na 14 diwrnod ar ôl y dyddiad hwnnw, rhaid i’r awdurdod drin y ceisydd fel pe bai’n meddu’r budd-dal hwnnw ar y gyfradd ddiwygiedig, naill ai o 1 Ebrill neu o’r dydd Llun cyntaf yn Ebrill yn y flwyddyn honno, pa un bynnag o’r dyddiadau hynny bydd yr awdurdod yn ei ddewis, hyd at y dyddiad y bydd y gyfradd ddiwygiedig yn cael effaith.

(1) O.S. 1996/207.
(2) 1980 p.46.

(1) S.I. 1996/207.
(2) 1980 c.46.

(6) Yn ddarostyngedig i is-baragraff (7)—

- (a) pan fo ceisydd yn cyflawni gwasanaeth i berson arall; a
- (b) pan nad yw'r person hwnnw'n gwneud unrhyw daliad o enillion neu'n talu llai na'r hyn a delir am gyflogaeth gymaradwy yn yr ardal,

rhaid i'r awdurdod drin y ceisydd fel pe bai'n meddu pa bynnag enillion (os oes rhai) sy'n rhesymol am y gyflogaeth honno, oni all y ceisydd fodloni'r awdurdod nad oes gan y person hwnnw fodd digonol i'w alluogi i dalu, neu i dalu rhagor, am y gwasanaeth.

(7) Nid yw is-baragraff (6) yn gymwys—

- (a) i geisydd a gymerir ymlaen gan sefydliad elusennol neu wirfoddol, neu sy'n wirfoddolwr, os bodlonir yr awdurdod, mewn unrhyw un o'r achosion hynny, ei bod yn rhesymol i'r ceisydd ddarparu'r gwasanaethau hynny yn ddi-dâl; neu
- (b) mewn achos pan gyflawnir y gwasanaeth mewn cysylltiad â'r canlynol—
 - (i) cyfranogiad y ceisydd mewn rhaglen gyflogaeth neu hyfforddiant yn yr ystyr a roddir i “employment or training programme” gan reoliad 19(1)(q) o Reoliadau Lwfans Ceisio Gwaith 1996; neu
 - (ii) cyfranogiad y ceisydd neu bartner y ceisydd mewn rhaglen gyflogaeth neu hyfforddiant, yn yr ystyr a roddir i “employment or training programme” fel y'i diffinnir gan reoliad 19(3) o'r Rheoliadau hynny, pan nad oes lwfans hyfforddi yn daladwy ar gyfer y rhaglen honno, neu, os oes lwfans o'r fath yn daladwy, pan fo'n daladwy at yr unig ddiben o ad-dalu treuliau ynglŷn â theithio neu brydau bwyd i'r person sy'n cymryd rhan yn y rhaglen honno; neu
- (c) i geisydd sy'n cymryd rhan mewn lleoliad gwaith a gymeradwyir gan yr Ysgrifennydd Gwladol (neu berson sy'n darparu gwasanaethau i'r Ysgrifennydd Gwladol) cyn dechrau'r lleoliad.

(8) Yn is-baragraff (7)(c) ystyr “lleoliad gwaith” (“*work placement*”) yw profiad gwaith ymarferol a ymgymerir heb ddisgwyl cael tâl amdano.

(9) Pan drinnir ceisydd fel pe bai'n meddu unrhyw incwm o dan unrhyw un o'r is-baragraffau (1) i (8), mae darpariaethau blaenorol y Rhan hon yn gymwys at ddibenion cyfrifo swm yr incwm hwnnw, fel pe bai taliad wedi ei wneud mewn gwirionedd ac fel pe bai'n incwm gwirioneddol a feddir gan y ceisydd.

(6) Subject to sub-paragraph (7), where—

- (a) an applicant performs a service for another person; and
- (b) that person makes no payment of earnings or pays less than that paid for a comparable employment in the area,

the authority must treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for that person to pay or to pay more for the service.

(7) Sub-paragraph (6) does not apply—

- (a) to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for the applicant to provide those services free of charge; or
- (b) in a case where the service is performed in connection with—
 - (i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations 1996; or
 - (ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme; or
- (c) to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

(8) In sub-paragraph (7)(c) “work placement” (“*lleoliad gwaith*”) means practical work experience which is not undertaken in expectation of payment.

(9) Where an applicant is treated as possessing any income under any of sub-paragraphs (1) to (8), the foregoing provisions of this Part apply for the purposes of calculating the amount of that income as if a payment had actually been made and as if it were actual income which that applicant does possess.

(10) Pan drinnir ceisydd fel pe bai'n meddu unrhyw enillion o dan is-baragraff (6), mae darpariaethau blaenorol y Rhan hon yn gymwys at ddibenion cyfrifo swm yr enillion hynny fel pe bai taliad wedi ei wneud mewn gwirionedd ac fel pe baent yn enillion gwirioneddol a feddir gan y ceisydd, ac eithrio nad yw paragraffau 39(2) neu 49(3) (cyfrifo enillion net enillwyr cyflogedig: pensïynwyr a phersonau nad ydynt yn bensiynwyr, yn eu trefn) yn gymwys a bod rhaid cyfrifo enillion net y ceisydd hwnnw drwy gymryd i ystyriaeth yr enillion hynny y trinnir y ceisydd hwnnw fel pe bai'n ei meddu, llai—

- (a) swm mewn perthynas â threth incwm, sy'n hafal i swm a gyfrifir drwy gymhwyso i'r enillion hynny y gyfradd dreth sylfaenol sy'n gymwysadwy i'r cyfnod asesu, llai, yn unig, y rhyddhad personol y mae hawl gan y ceisydd i'w gael o dan adrannau 35 i 37 o Ran 3 o Ddeddf Treth Incwm 2007 (lwfansau personol) fel sy'n briodol i amgylchiadau'r ceisydd; ond, pan fo'r cyfnod asesu'n llai na blwyddyn, rhaid cyfrifo'r enillion y cymhwysir iddynt y gyfradd dreth sylfaenol a swm y rhyddhad personol didynadwy o dan yr is-baragraff hwn, ar sail *pro rata*;
- (b) swm sy'n hafal i swm y cyfraniadau Dosbarth 1 sylfaenol a fyddai'n daladwy gan y ceisydd o dan DCBNC mewn perthynas â'r enillion hynny pe bai cyfraniadau o'r fath yn daladwy; ac
- (c) hanner unrhyw swm sy'n daladwy gan y ceisydd fel cyfraniad tuag at gynllun pensiwn galwedigaethol neu bersonol.

(11) Nid yw is-baragraffau (1), (2), (3) a (6) yn gymwys mewn perthynas ag unrhyw swm o incwm ac eithrio enillion, neu enillion enillydd cyflogedig, sy'n deillio o gyfranogiad y ceisydd mewn grŵp defnyddwyr gwasanaeth.

PENNOD 6

Incwm: pensïynwyr a phersonau nad ydynt yn bensiynwyr

Cyfrifo incwm ar sail wythnosol

54.—(1) Yn ddarostyngedig i baragraff 57 (diystyru newidiadau mewn treth, cyfraniadau etc), rhaid cyfrifo incwm ceisydd ar sail wythnosol fel a ganlyn—

- (a) drwy amcangyfrif y swm sy'n debygol o fod yn incwm wythnosol cyfartalog y ceisydd yn unol â'r Rhan hon;
- (b) drwy ychwanegu at y swm hwnnw yr incwm wythnosol a gyfrifwyd—

(10) Where an applicant is treated as possessing any earnings under sub-paragraph (6) the foregoing provisions of this Part apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which that applicant does possess except that paragraph 39(2) or 49(3) (calculation of net earnings of employed earners: pensioners and persons who are not pensioners, respectively) do not apply and that applicant's net earnings are to be calculated by taking into account those earnings which that applicant is treated as possessing, less—

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of Part 3 of the Income Tax Act 2007 (personal allowances) as is appropriate to the applicant's circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a *pro rata* basis;
- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by the applicant under the SSCBA in respect of those earnings if such contributions were payable; and
- (c) one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

(11) Sub-paragraphs (1), (2), (3) and (6) do not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant's participation in a service user group.

CHAPTER 6

Income: pensioners and persons who are not pensioners

Calculation of income on a weekly basis

54.—(1) Subject to paragraph 57 (disregard of changes in tax, contributions etc), the income of an applicant is to be calculated on a weekly basis—

- (a) by estimating the amount which is likely to be the applicant's average weekly income in accordance with this Part;
- (b) by adding to that amount the weekly income calculated—

- (i) os yw'r ceisydd yn bensiynwr, o dan baragraff 68 (incwm tariff: pensiynwyr);
 - (ii) os yw'r ceisydd yn berson nad yw'n bensiynwr, o dan baragraff 69 (incwm tariff: personau nad ydynt yn bensiynwyr); ac
- (c) drwy ddidynnu wedi hynny unrhyw gostau gofal plant perthnasol y mae paragraff 55 (trin costau gofal plant) yn gymwys iddynt o unrhyw enillion sy'n ffurfio rhan o'r incwm wythnosol cyfartalog, neu, mewn achos pan fo'r amodau yn is-baragraff (2) wedi eu bodloni, eu didynnu o'r enillion hynny plws pa gredyd bynnag a bennir sy'n briodol ym mharagraff (b) o'r is-baragraff hwnnw, hyd at yr uchafswm didyniad mewn perthynas â theulu'r ceisydd, sef pa un bynnag o'r symiau a bennir yn is-baragraff (3) sy'n gymwys yn achos y ceisydd.

(2) Amodau'r paragraff hwn yw'r canlynol—

- (a) bod enillion y ceisydd sy'n ffurfio rhan o incwm wythnosol cyfartalog y ceisydd yn llai na'r lleiaf o naill ai gostau gofal plant perthnasol y ceisydd neu pa un bynnag o'r didyniadau a bennir ym mharagraff (3) sydd, fel arall, yn gymwys yn achos y ceisydd; a
- (b) bod y ceisydd hwnnw neu, os yw'r ceisydd yn aelod o gwpl, naill ai'r ceisydd neu bartner y ceisydd, yn cael naill ai credyd treth gwaith neu gredyd treth plant.

(3) Uchafswm y didyniad y cyfeirir ato ym mharagraff (1)(c) uchod fydd—

- (a) pan fo teulu'r ceisydd yn cynnwys un plentyn yn unig, y telir costau gofal plant perthnasol mewn perthynas ag ef, £175 yr wythnos;
- (b) pan fo teulu'r ceisydd yn cynnwys mwy nag un plentyn, y telir costau gofal plant perthnasol mewn perthynas â hwy, £300 yr wythnos.

Trin costau gofal plant

55.—(1) Mae'r paragraff hwn yn gymwys pan fo ceisydd (o fewn ystyr y paragraff hwn) yn tynnu costau gofal plant perthnasol ac—

- (a) yn unig riant ac yn ymgymryd â gwaith am dâl;
- (b) yn aelod o gwpl, a'r ddau ohonynt yn ymgymryd â gwaith am dâl; neu
- (c) yn aelod o gwpl y mae un ohonynt yn ymgymryd â gwaith am dâl a'r llall—

- (i) if the applicant is a pensioner, under paragraph 68 (tariff income: pensioners);
- (ii) if the applicant is a person who is not a pensioner, under paragraph 69 (tariff income: persons who are not pensioners); and

- (c) by then deducting any relevant child care charges to which paragraph 55 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in sub-paragraph (2) are met, from those earnings plus whichever credit specified in paragraph (b) of that sub-paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in sub-paragraph (3) applies in the applicant's case.

(2) The conditions of this paragraph are that—

- (a) the applicant's earnings which form part of the applicant's average weekly income are less than the lower of either the applicant's relevant child care charges or whichever of the deductions specified in paragraph (3) otherwise applies in the applicant's case; and
- (b) that applicant or, if the applicant is a member of a couple either the applicant or the applicant's partner, is in receipt of either working tax credit or child tax credit.

(3) The maximum deduction to which paragraph (1)(c) above refers is to be—

- (a) where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175 per week;
- (b) where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300 per week.

Treatment of child care charges

55.—(1) This paragraph applies where an applicant (within the meaning of this paragraph) is incurring relevant child care charges and—

- (a) is a lone parent and is engaged in remunerative work;
- (b) is a member of a couple both of whom are engaged in remunerative work; or
- (c) is a member of a couple where one member is engaged in remunerative work and the other—

- (i) yn analluog;
- (ii) yn glaf mewnlol mewn ysbyty; neu
- (iii) mewn carchar (boed wedi ei ddedfrydu i garchar neu ar remánd yn y ddalfa tra'n aros treial neu ddedfryd).

(2) At ddibenion is-baragraff (1) ac yn ddarostyngedig i is-baragraff (4), rhaid trin person y mae is-baragraff (3) yn gymwys iddo fel pe bai'n ymgymryd â gwaith am dâl am gyfnod nad yw'n hwy nag 28 wythnos pan fo'r person—

- (a) yn cael tâl salwch statudol;
- (b) yn cael budd-dal analluogrwydd byrdymor ar y gyfradd isaf o dan adrannau 30A i 30E o DCBNC;
- (c) yn cael lwfans cyflogaeth a chymorth;
- (d) yn cael cymhorthdal incwm ar sail analluedd i weithio o dan reoliad 4ZA o Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987(1) a pharagraff 7 neu 14 o Atodlen 1B i'r Rheoliadau hynny; neu
- (e) yn cael ei gredu ag enillion ar sail analluedd i weithio neu alluedd cyfyngedig ar gyfer gwaith o dan reoliad 8B o Reoliadau Nawdd Cymdeithasol (Credydau)1975(2).

(3) Mae'r is-baragraff hwn yn gymwys i berson a oedd yn ymgymryd â gwaith am dâl yn union cyn—

- (a) diwrnod cyntaf y cyfnod y telir i'r person hwnnw gyntaf dâl salwch statudol, budd-dal analluogrwydd byrdymor, lwfans cyflogaeth a chymorth neu gymhorthdal incwm ar sail analluedd i weithio; neu
- (b) diwrnod cyntaf y cyfnod y credydir enillion mewn perthynas ag ef,

yn ôl fel y digwydd.

(4) Mewn achos pan fo is-baragraff (2)(d) neu (e) yn gymwys, mae'r cyfnod o 28 wythnos yn cychwyn ar y diwrnod y telir cymhorthdal incwm gyntaf i'r person hwnnw, neu'r diwrnod cyntaf y credydir enillion iddo mewn perthynas ag ef, yn ôl fel y digwydd.

(5) Costau gofal plant perthnasol yw'r costau gofal hynny y mae is-baragraffau (6) a (7) yn gymwys iddynt, a rhaid eu cyfrifo ar sail wythnosol yn unol ag is-baragraff (10).

(6) Telir y costau gan y ceisydd, am ofal a ddarperir—

- (i) is incapacitated;
- (ii) is an in-patient in hospital; or
- (iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).

(2) For the purposes of sub-paragraph (1) and subject to sub-paragraph (4), a person to whom sub-paragraph (3) applies must be treated as engaged in remunerative work for a period not exceeding 28 weeks during which the person—

- (a) is paid statutory sick pay;
- (b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the SSCBA;
- (c) is paid an employment and support allowance;
- (d) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support (General) Regulations 1987(1); or
- (e) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975(2).

(3) This sub-paragraph applies to a person who was engaged in remunerative work immediately before—

- (a) the first day of the period in respect of which the person was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
- (b) the first day of the period in respect of which earnings are credited,

as the case may be.

(4) In a case to which sub-paragraph (2)(d) or (e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.

(5) Relevant child care charges are those charges for care to which sub-paragraphs (6) and (7) apply, and are to be calculated on a weekly basis in accordance with sub-paragraph (10).

(6) The charges are paid by the applicant for care which is provided—

(1) O.S. 1987/1967.
(2) O.S. 1975/556.

(1) S.I. 1987/1967.
(2) S.I. 1975/556.

- (a) yn achos unrhyw blentyn o deulu'r ceisydd nad yw'n anabl, mewn perthynas â'r cyfnod sy'n cychwyn ar ddyddiad geni'r plentyn ac yn diweddu ar y diwrnod cyn y dydd Llun cyntaf ym Medi sy'n dilyn pymthegfed pen-blwydd y plentyn hwnnw; neu
- (b) yn achos unrhyw blentyn o deulu'r ceisydd sy'n anabl, mewn perthynas â'r cyfnod sy'n cychwyn ar ddyddiad geni'r plentyn ac yn diweddu ar y diwrnod cyn y dydd Llun cyntaf ym Medi sy'n dilyn unfed pen-blwydd ar bymtheg y plentyn hwnnw.

(7) Telir y costau am ofal a ddarperir gan un neu ragor o'r darparwyr gofal a restrir yn is-baragraff (8) ac ni thelir hwy—

- (a) mewn perthynas ag addysg orfodol y plentyn;
- (b) gan geisydd i'w bartner na chan ei bartner i geisydd, mewn perthynas ag unrhyw blentyn y mae'r naill neu'r llall, neu unrhyw rai ohonynt yn gyfrifol amdano yn unol â pharagraff 7 (amgylchiadau pan fo person i gael ei drin fel pe bai'n gyfrifol neu ddim yn gyfrifol am berson arall); neu
- (c) mewn perthynas â gofal a ddarperir gan berthynas i'r plentyn yn gyfan gwbl neu'n bennaf yng nghartref y plentyn.

(8) Caniateir darparu'r gofal y cyfeirir ato yn is-baragraff (7)—

- (a) y tu allan i oriau ysgol, gan ysgol neu mewn mangre ysgol gan awdurdod lleol —
 - (i) i blant nad ydynt yn anabl, mewn perthynas â'r cyfnod sy'n cychwyn ar eu hwythfed pen-blwydd ac yn diweddu ar y diwrnod cyn y dydd Llun cyntaf ym Medi sy'n dilyn eu pymthegfed pen-blwydd; neu
 - (ii) i blant sy'n anabl, mewn perthynas â'r cyfnod sy'n cychwyn ar eu hwythfed pen-blwydd ac yn diweddu ar y diwrnod cyn y dydd Llun cyntaf ym Medi sy'n dilyn eu hunfed pen-blwydd ar bymtheg; neu
- (b) gan ddarparwr gofal plant a gymeradwywyd yn unol â Rheoliadau Credyd Treth (Categori Newydd o Ddarparwyr Gofal Plant) 1999(1); neu
- (c) gan bersonau a gofrestrwyd o dan Ran 2 o Fesur Plant a Theuluoedd (Cymru) 2010(2);neu

- (a) in the case of any child of the applicant'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; or
- (b) in the case of any child of the applicant'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.

(7) The charges are paid for care which is provided by one or more of the care providers listed in sub-paragraph (8) and are not paid—

- (a) in respect of the child's compulsory education;
- (b) by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with paragraph 7 (circumstances in which a person is treated as responsible or not responsible for another); or
- (c) in respect of care provided by a relative of the child wholly or mainly in the child's home.

(8) The care to which sub-paragraph (7) refers may be provided—

- (a) out of school hours, by a school on school premises or by a local authority—
 - (i) for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
 - (ii) for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
- (b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999(1); or
- (c) by persons registered under Part 2 of the Children and Families (Wales) Measure 2010(2); or

(1) O.S. 1999/3110.
(2) 2010 mccc 1.

(1) S.I. 1999/3110.
(2) 2010 nawm 1.

- (d) gan berson a eithrir rhag cofrestru o dan Ran 2 o Fesur Plant a Theuluoedd (Cymru) 2010 oherwydd bod y gofal plant a ddarperir gan y person hwnnw mewn ysgol neu mewn sefydliad y cyfeirir atynt yn erthygl 11, 12 neu 14 o Orchymyn Eithriadau Gwarchod Plant a Gofal Dydd (Cymru) 2010(1); neu
- (e) gan—
 - (i) personau a gofrestrwyd o dan adran 59(1) o Ddeddf Diwygio Gwasanaethau Cyhoeddus (Yr Alban) 2010(2); neu
 - (ii) awdurdodau lleol a gofrestrwyd o dan adran 83(1) o'r Ddeddf honno,

os y gofal a ddarperir yw gwarchod plant neu'n ofal dydd ar gyfer plant yn yr ystyron a roddir, yn eu trefn, i "child minding" a "day care of children" yn y Ddeddf honno; neu

- (f) gan berson a ragnodir mewn rheoliadau a wnaed yn unol ag adran 12(4) o Ddeddf Credydau Treth 2002; neu
- (g) gan berson a gofrestrwyd o dan Bennod 2 neu 3 o Ran 3 o Ddeddf Gofal Plant 2006(3); neu
- (h) gan unrhyw un o'r ysgolion a grybwyllir yn adran 34(2) o Ddeddf Gofal Plant 2006 mewn amgylchiadau pan nad yw'r gofyniad i gofrestru o dan Bennod 2 o Ran 3 o'r Ddeddf honno yn gymwys, yn rhinwedd adran 34(2) o'r Ddeddf honno; neu
- (i) gan unrhyw un o'r ysgolion a grybwyllir yn adran 53(2) o Ddeddf Gofal Plant 2006 mewn amgylchiadau pan nad yw'r gofyniad i gofrestru o dan Bennod 3 o Ran 3 o'r Ddeddf honno yn gymwys, yn rhinwedd adran 53(2) o'r Ddeddf honno; neu
- (j) gan unrhyw un o'r sefydliadau a grybwyllir yn adran 18(5) o Ddeddf Gofal Plant 2006 mewn amgylchiadau pan nad yw'r gofal yn gynwysedig yn ystyr "childcare" at ddibenion Rhan 1 a Rhan 3 y Ddeddf honno yn rhinwedd adran 18(5) o'r Ddeddf honno; neu
- (k) gan riant maeth neu ofalwr-berthynas o dan Reoliadau Gwasanaethau Maethu (Lloegr) 2011(4), Rheoliadau Gwasanaethau Maethu (Cymru) 2003(5) neu Reoliadau Plant sy'n Derbyn Gofal (Yr Alban) 2009(6) mewn

- (d) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010(1); or
- (e) by—
 - (i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010(2); or
 - (ii) local authorities registered under section 83(1) of that Act,

where the care provided is child minding or day care of children within the meaning of that Act; or

- (f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002; or
- (g) by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006(3); or
- (h) by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
- (i) by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
- (j) by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of "childcare" for the purposes of Part 1 and Part 3 of that Act by virtue of section 18(5) of that Act; or
- (k) by a foster parent or kinship carer under the Fostering Services (England) Regulations 2011(4), the Fostering Services (Wales) Regulations 2003(5) or the Looked After Children (Scotland) Regulations 2009(6) in

(1) 2010/2839 (Cy.233).
 (2) 2010 dsa 8.
 (3) 2006 p.21.
 (4) O.S. 2011/581.
 (5) O.S. 2003/237 (Cy.35).
 (6) O.S.A. 2009/210.

(1) S.I. 2010/2839 (W.233).
 (2) 2010 asp 8.
 (3) 2006 c.21.
 (4) S.I. 2011/581.
 (5) S.I. 2003/237 (W.35).
 (6) S.S.I. 2009/210.

perthynas â phlentyn ac eithrio'r plentyn a faethir gan y rhiant maeth neu'r plentyn sy'n derbyn gofal gan y gofalwr-berthynas; neu

- (l) gan weithiwr gofal cartref o dan Reoliadau Asiantaethau Gofal Cartref (Cymru) 2004(1); neu
- (m) gan berson nad yw'n berthynas i'r plentyn, yn gyfan gwbl neu'n bennaf yng nghartref y plentyn.

(9) Yn is-baragraffau (6) ac (8)(a), ystyr “y dydd Llun cyntaf ym Medi” (“*the first Monday in September*”) yw'r dydd Llun sy'n digwydd gyntaf yn ystod y mis Medi mewn unrhyw flwyddyn.

(10) Rhaid amcangyfrif y costau gofal plant perthnasol dros ba bynnag gyfnod, o ddim mwy na blwyddyn, sy'n briodol ar gyfer amcangyfrif yn gywir y gost wythnosol gyfartalog, gan roi sylw i wybodaeth a ddarperir gan y gwarchodwr plant neu'r person sy'n darparu'r gofal, ynghylch swm y tâl a godir.

(11) At ddibenion is-baragraff (1)(c) mae'r aelod arall o gwpl yn analluog—

- (a) os yw'r ceisydd yn bensiynwr a'r aelod arall o'r cwpl yn 80 oed o leiaf;
- (b) os yw'r ceisydd yn bensiynwr a'r aelod arall o'r cwpl yn iau nag 80 oed, ac—
 - (i) trinnir yr amodau ychwanegol a bennir ym mharagraff 10 o Atodlen 3 (amod ychwanegol ar gyfer y premiwm anabled) i'r cynllun hwn fel pe baent yn gymwys yn achos yr aelod arall o'r cwpl; a
 - (ii) yr aelod arall o'r cwpl yn bodloni'r amodau hynny, neu byddai'n eu bodloni pe na thrinnid yr aelod arall hwnnw o'r cwpl fel pe bai'n alluog i weithio, yn rhinwedd penderfyniad a wnaed o dan adran 171E o DCBNC;
- (c) os nad yw'r ceisydd yn bensiynwr, a swm cymwysadwy'r ceisydd yn cynnwys premiwm anabled oherwydd analluedd yr aelod arall neu'r elfen gymorth neu'r elfen gweithgaredd perthynol i waith oherwydd galluedd cyfyngedig yr aelod arall ar gyfer gwaith;
- (d) os nad yw'r ceisydd yn bensiynwr, a byddai swm cymwysadwy'r ceisydd wedi cynnwys premiwm anabled oherwydd analluedd yr aelod arall pe na bai'r aelod arall hwnnw'n cael ei drin fel pe bai'n alluog i weithio, yn rhinwedd penderfyniad a wnaed yn unol â

relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or

- (l) by a domiciliary care worker under the Domiciliary Care Agencies (Wales) Regulations 2004(1); or
- (m) by a person who is not a relative of the child wholly or mainly in the child's home.

(9) In sub-paragraphs (6) and (8)(a), “the first Monday in September” (“*y dydd Llun cyntaf ym Medi*”) means the Monday which first occurs in the month of September in any year.

(10) Relevant child care charges must be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.

(11) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where—

- (a) the applicant is a pensioner and the other member of the couple is aged not less than 80;
- (b) the applicant is a pensioner and the other member of the couple is aged less than 80, and—
 - (i) the additional condition specified in paragraph 10 of Schedule 3 (additional condition for the disability premium) to this scheme is treated as applying in the other member of the couple's case; and
 - (ii) the other member of the couple satisfies those conditions or would satisfy them but for the other member of the couple being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
- (c) the applicant is not a pensioner, the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work-related activity component on account of the other member's having limited capability for work;
- (d) the applicant is not a pensioner, the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in

- rheoliadau a wnaed o dan adran 171E o DCBNC;
- (e) os byddai swm cymwysadwy'r ceisydd wedi cynnwys yr elfen gymorth neu'r elfen gweithgaredd perthynol i waith oherwydd galluedd cyfyngedig yr aelod arall ar gyfer gwaith pe na bai'r aelod arall hwnnw'n cael ei drin fel pe na bai ei alluedd i weithio yn gyfyngedig, yn rhinwedd penderfyniad a wnaed yn unol â Rheoliadau Lwfans Cyflogaeth a Chymorth 2008;
- (f) os yw'r ceisydd yn analluog i weithio, neu'n cael ei drin fel pe bai'n analluog i weithio, ac wedi bod yn analluog felly neu'n cael ei drin felly yn unol â darpariaethau Rhan 12A o DCBNC (analluedd i weithio) a rheoliadau a wnaed o dan y Rhan honno am gyfnod didor o ddim llai na 196 diwrnod; ac at y diben hwn rhaid trin unrhyw ddau neu ragor o gyfnodau ar wahân, a wahanir gan doriad o ddim mwy na 56 diwrnod fel un cyfnod di-dor;
- (g) os yw galluedd y ceisydd ar gyfer gwaith yn gyfyngedig, neu os trinnir ef fel pe bai ei alluedd ar gyfer gwaith yn gyfyngedig, ac os bu ganddo, neu os triniwyd ef fel pe bai ganddo, alluedd cyfyngedig ar gyfer gwaith yn unol â Rheoliadau Lwfans Cyflogaeth a Chymorth 2008 am gyfnod di-dor o ddim llai na 196 diwrnod; ac at y diben hwn rhaid trin unrhyw ddau neu ragor o gyfnodau ar wahân a wahanir gan doriad o ddim mwy na 84 diwrnod fel un cyfnod di-dor;
- (h) os yw un neu ragor o'r pensiynau neu lwfansau canlynol yn daladwy mewn perthynas â'r aelod arall—
- (i) budd-dal analluogrwydd hirdymor neu fudd-dal analluogrwydd byrdymor ar y raddfa uwch o dan Atodlen 4 i DCBNC;
- (ii) lwfans gweini o dan adran 64 o DCBNC;
- (iii) lwfans anabledd difrifol o dan adran 68 o DCBNC;
- (iv) lwfans byw i'r anabl o dan adran 71 o DCBNC;
- (v) taliad annibyniaeth bersonol o dan Ran 4 o Ddeddf Diwygio Lles 2012;
- (vi) TALIA;
- (vii) cynnydd mewn pensiwn anabledd o dan adran 104 o DCBNC;
- (viii) cynnydd mewn pensiwn a delir fel rhan o bensiwn anabledd rhyfel neu o dan gynllun anafiadau diwydiannol sy'n cyfateb i lwfans neu gynnydd mewn
- accordance with regulations made under section 171E of the SSCBA;
- (e) the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008;
- (f) the applicant is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
- (g) the applicant has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- (h) there is payable in respect of the other member one or more of the following pensions or allowances—
- (i) long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the SSCBA;
- (ii) attendance allowance under section 64 of the SSCBA;
- (iii) severe disablement allowance under section 68 of the SSCBA;
- (iv) disability living allowance under section 71 of the SSCBA;
- (v) personal independence payment under Part 4 of the Welfare Reform Act 2012;
- (vi) an AFIP;
- (vii) increase of disablement pension under section 104 of the SSCBA;
- (viii) a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of

- pensiwn anabled o dan is-baragraff (ii), (iv), (v) neu (vii) uchod;
- (ix) lwfans cyflogaeth a chymorth prif wedd;
- (i) os bu pensiwn neu lwfans y cyfeirir ato yn is-baragraff (vi) neu (vii) o baragraff (h) yn daladwy oherwydd analluedd yr aelod arall, ond peidiodd â bod yn daladwy o ganlyniad i'r aelod hwnnw ddod yn glaf, ac yn y paragraff hwn, ystyr claf yw person (ac eithrio person sy'n gwneud dedfryd o garchar neu'n cael ei gadw'n gaeth mewn sefydliad cadw ar gyfer pobl ifanc) yr ystyrir ei fod yn cael triniaeth ddi-dâl fel claf mewnol, yn yr ystyr a roddir i "receiving free in-patient treatment" gan reoliad 2(4) a (5) o Reoliadau Nawdd Cymdeithasol (Cleifion Mewnol mewn Ysbytai) 2005;
- (j) os byddai lwfans gweini o dan adran 64 o DCBNC neu lwfans byw i'r anabl o dan adran 71 o'r Ddeddf honno yn daladwy i'r person hwnnw oni bai am—
- (i) atal budd-dal dros dro yn unol â rheoliadau o dan adran 113(2) o DCBNC; neu
- (ii) lleihad oherwydd traddodi i ysbyty;
- (k) os byddai'r elfen byw dyddiol o'r taliad annibyniaeth bersonol yn daladwy i'r person hwnnw pe na bai y budd-dal wedi ei atal dros dro yn unol â rheoliadau o dan adran 86 o Ddeddf Diwygio Lles 2012 (cleifion mewnol mewn ysbyty);
- (l) os byddai TALIA yn daladwy i'r person hwnnw pe na bai y taliad wedi ei atal dros dro yn unol ag unrhyw delerau cynllun digolledu'r lluoedd arfog a'r lluoedd wrth gefn, sy'n caniatáu ataliad dros dro oherwydd bod person yn cael triniaeth feddygol mewn ysbyty neu sefydliad cyffelyb;
- (m) os byddai paragraff (h), (i), (j) neu (k) yn gymwys i'r aelod arall pe bai'r darpariaethau deddfwriaethol y cyfeirir atynt yn y paragraffau hynny yn ddarpariaethau o dan unrhyw ddeddfiad cyfatebol sy'n cael effaith yng Ngogledd Iwerddon; neu
- (n) os oes gan yr aelod arall gerbyd ar gyfer pobl anabl neu fath arall o gerbyd, a ddarparwyd i'r aelod arall gan yr Ysgrifennydd Gwladol o dan baragraff 9 o Atodlen 1 i Ddeddf y Gwasanaeth Iechyd
- disablement pension under sub-paragraph (ii), (iv), (v) or (vii) above;
- (ix) main phase employment and support allowance;
- (i) a pension or allowance to which sub-paragraph (vi) or (vii) of paragraph (h) above refers was payable on account of the other member's incapacity but has ceased to be payable in consequence of that other member becoming a patient, which in this paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;
- (j) an attendance allowance under section 64 of the SSCBA or disability living allowance under section 71 of that Act would be payable to that person but for—
- (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
- (ii) an abatement as a consequence of hospitalisation;
- (k) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- (l) an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- (m) paragraph (h), (i), (j) or (k) would apply to the other member if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
- (n) the other member has an invalid carriage or other vehicle provided to the other member by the Secretary of State under paragraph 9 of Schedule 1 to the National Health Service

Gwladol 2006(1) neu o dan adran 46 o Ddeddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978, neu a ddarparwyd gan yr Adran Iechyd, Gwasanaethau Cymdeithasol a Diogelwch y Cyhoedd yng Ngogledd Iwerddon o dan erthygl 30(1) o Orchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972, neu a ddarparwyd gan Weinidogion Cymru o dan adran 5 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 ac Atodlen 1 i'r Ddeddf honno.

(12) At ddibenion is-baragraff (11), unwaith y bydd is-baragraff (11)(f) yn gymwys i'r ceisydd, os yw'r ceisydd wedyn, am gyfnod o 56 diwrnod neu lai, yn peidio â bod yn analluog i weithio, neu gael ei drin fel pe bai'n analluog i weithio, yna, ar ddiwedd y cyfnod hwnnw, pan â'r ceisydd yn analluog i weithio drachefn, neu pan drinnir ef drachefn fel pe bai'n analluog i weithio, bydd yr is-baragraff hwnnw yn gymwys i'r ceisydd ar unwaith, cyhyd ag y bo'r ceisydd yn parhau'n analluog i weithio, neu cyhyd ag y'i trinnir fel pe bai'n analluog i weithio.

(13) At ddibenion is-baragraff (11), unwaith y bydd is-baragraff (11)(g) yn gymwys i'r ceisydd, os yw galluedd y ceisydd ar gyfer gwaith wedyn yn peidio â bod yn gyfyngedig, neu os peidir â'i drin fel pe bai ei alluedd ar gyfer gwaith yn gyfyngedig, am gyfnod o 84 diwrnod neu lai, yna, ar ddiwedd y cyfnod hwnnw, pan â galluedd y ceisydd ar gyfer gwaith yn gyfyngedig drachefn, neu pan drinnir ef drachefn fel pe bai ei allu'n gyfyngedig, bydd yr is-baragraff hwnnw yn gymwys i'r ceisydd ar unwaith, cyhyd ag y bo galluedd y ceisydd ar gyfer gwaith yn parhau'n gyfyngedig, neu cyhyd ag y'i trinnir fel pe bai ei alluedd ar gyfer gwaith yn gyfyngedig.

(14) At ddibenion is-baragraffau (6) ac (8)(a), mae person yn anabl os yw'r person hwnnw yn berson—

- (a) y mae lwfans gweini neu elfen ofal y lwfans anabledd yn daladwy iddo, neu y byddai'n daladwy iddo oni bai am—
 - (i) atal budd-dal dros dro yn unol â rheoliadau o dan adran 113(2) o DCBNC; neu
 - (ii) lleihad oherwydd traddodi i ysbyty;
- (b) y mae elfen byw dyddiol y taliad annibyniaeth bersonol yn daladwy iddo neu y byddai'n daladwy iddo oni bai am atal y budd-dal dros dro yn unol â rheoliadau o dan adran 86 o Ddeddf Diwygio Lles 2012 (cleifion mewnol mewn ysbyty);

Act 2006(1) or under section 46 of the National Health Service (Scotland) Act 1978, or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972, or provided by the Welsh Ministers under section 5 of, and Schedule 1 to the National Health Service (Wales) Act 2006.

(12) For the purposes of sub-paragraph (11), once sub-paragraph (11)(f) applies to the applicant, if the applicant then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph is, on the applicant again becoming so incapable, or so treated as incapable, of work at the end of that period, to immediately thereafter apply to the applicant for so long as the applicant remains incapable, or is treated as remaining incapable, of work..

(13) For the purposes of sub-paragraph (11), once sub-paragraph (11)(g) applies to the applicant, if the applicant then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on the applicant again having, or being treated as having limited capability for work at the end of that period, immediately thereafter to apply to the applicant for so long as the applicant has, or is treated as having, limited capability for work.

(14) For the purposes of sub-paragraphs (6) and (8)(a), a person is disabled if that person is a person—

- (a) to whom an attendance allowance or the care component of disability allowance is payable or would be payable but for—
 - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
- (b) to whom the daily living component of personal independence payment is payable or would be payable but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);

(1) 2006 p.41; diwygiwyd paragraff 9 gan adran 17(10) o Ddeddf Iechyd a Gofal Cymdeithasol 2012 (p.7) (i ddisodli cyfeiriadau at yr Ysgrifennydd Gwladol gan gyfeiriadau at grwpiau comisiynu clinigol), ond nid yw'r darpariaethau hynny eto mewn llawn grym.

(1) 2006 c.41; paragraph 9 has been amended by section 17(10) of the Health and Social Care Act 2012 (c.7) (to replace references to the Secretary of State with references to clinical commissioning groups), but those provisions are not yet fully in force.

- (c) wedi ei gofrestru fel person dall mewn cofrestr a gedwir o dan adran 29 o Ddeddf Cymorth Gwladol 1948 (gwasanaethau lles) neu, yn yr Alban, wedi ei ardstio'n ddall ac, o ganlyniad, wedi ei gofrestru fel person dall mewn cofrestr a gynhelir gan, neu ar ran, cyngor a gyfansoddwyd o dan adran 2 o Ddeddf Llywodraeth Leol (Yr Alban) 1994;
- (d) y peidiodd â bod yn gofrestredig fel person dall mewn cofrestr o'r fath, o fewn y cyfnod sy'n cychwyn 28 wythnos cyn y dydd Llun cyntaf ym Medi sy'n dilyn pymthegfed pen-blwydd y person hwnnw ac yn diweddu ar y diwrnod yn union cyn unfed pen-blwydd ar bymtheg y person hwnnw; neu
- (e) y mae TALIA yn daladwy iddo.

(15) At ddibenion is-baragraff (1), rhaid trin person sydd ar absenoldeb mamolaeth, absenoldeb tadolaeth neu absenoldeb mabwysiadu fel pe bai'n ymgymryd â gwaith am dâl am y cyfnod a bennir yn is-baragraff (16) ("y cyfnod perthnasol") ar yr amod—

- (a) bod y person hwnnw'n gweithio am dâl yn ystod yr wythnos sy'n rhagflaenu'r cyfnod o absenoldeb mamolaeth, absenoldeb tadolaeth neu absenoldeb mabwysiadu;
- (b) bod y person hwnnw'n tynnu costau gofal plant perthnasol o fewn ystyr is-baragraff (5); ac
- (c) bod hawl gan y person hwnnw i gael naill ai tâl mamolaeth statudol o dan adran 164 o DCBNC, tâl tadolaeth cyffredin yn rhinwedd adran 171ZA neu 171ZB o'r Ddeddf honno, tâl tadolaeth statudol ychwanegol yn rhinwedd adran 171ZEA neu 171ZEB o'r Ddeddf honno, tâl mabwysiadu statudol yn rhinwedd adran 171ZL o'r Ddeddf honno, lwfans mamolaeth o dan adran 35 o'r Ddeddf honno neu gymhorthdal cymwys.

(16) At ddibenion is-baragraff (15) mae'r cyfnod perthnasol yn cychwyn ar y diwrnod y mae absenoldeb mamolaeth, absenoldeb tadolaeth neu absenoldeb mabwysiadu y person hwnnw'n cychwyn, a daw i ben ar—

- (a) y dyddiad y daw'r absenoldeb hwnnw i ben;
- (b) os na thelir yr elfen gofal plant o'r credyd treth gwaith ar y dyddiad y daw'r hawlogaeth i lwfans mamolaeth, cymhorthdal cymwys (os yw'n berthnasol), tâl mamolaeth statudol, tâl tadolaeth statudol cyffredin neu ychwanegol neu'r tâl mabwysiadu statudol i ben, y dyddiad y daw'r hawlogaeth honno i ben; neu

- (c) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence that person is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994;
- (d) who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday; or
- (e) to whom AFIP is payable.

(15) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave or adoption leave is to be treated as if engaged in remunerative work for the period specified in sub-paragraph (16) ("the relevant period") provided that—

- (a) in the week before the period of maternity leave, paternity leave or adoption leave began the person was in remunerative work;
- (b) the person is incurring relevant child care charges within the meaning of sub-paragraph (5); and
- (c) the person is entitled to either statutory maternity pay under section 164 of the SSCBA, ordinary statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of that Act, statutory adoption pay by of section 171ZL of that Act, maternity allowance under section 35 of that Act or qualifying support.

(16) For the purposes of sub-paragraph (15) the relevant period begins on the day on which the person's maternity, paternity leave or adoption leave commences and ends on—

- (a) the date that leave ends;
- (b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support (if relevant), statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or

- (c) os telir yr elfen gofal plant o'r credyd treth gwaith ar y dyddiad y daw'r hawlogaeth i lwfans mamolaeth neu gymhorthdal cymwys, tâl mamolaeth statudol, tâl tadolaeth statudol cyffredin neu ychwanegol, neu'r tâl mabwysiadu statudol i ben, y dyddiad y daw'r hawlogaeth i'r dyfarniad o'r elfen gofal plant o'r credyd treth gwaith i ben,

pa un bynnag sy'n digwydd gyntaf.

(17) Yn is-baragraffau (15) ac (16)—

- (a) ystyr “cymhorthdal cymwys” (“*qualifying support*”) yw cymhorthdal incwm y mae hawl gan y person hwnnw i'w gael yn rhinwedd paragraff 14B o Atodlen 1B i Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987(1); a
- (b) ystyr “elfen gofal plant” (“*child care element*”) o'r credyd treth gwaith yw'r elfen o'r credyd treth gwaith a ragnodir o dan adran 12 o Ddeddf Credydau Treth 2002 (elfen gofal plant).

(18) Yn y paragraff hwn nid yw “ceisydd” (“*applicant*”) yn cynnwys ceisydd—

- (a) y mae ganddo, neu
- (b) y mae ganddo (ar y cyd â phartner),

ddyfarniad o gredyd cynhwysol.

Cyfrifo incwm wythnosol cyfartalog o gredydau treth

56.—(1) Mae'r paragraff hwn yn gymwys pan fo ceisydd yn cael credyd treth.

(2) Pan fo'r paragraff hwn yn gymwys, y cyfnod y mae'n rhaid cymryd y credyd treth i ystyriaeth drosto yw'r cyfnod a bennir yn is-baragraff (3).

(3) Os yw'r rhandaliad, y gwneir y taliad o gredyd treth ynddo—

- (a) yn rhandaliad dyddiol, y cyfnod yw 1 diwrnod, sef y diwrnod y telir y rhandaliad mewn perthynas ag ef;
- (b) yn rhandaliad wythnosol, y cyfnod yw 7 diwrnod, yn diweddu ar y diwrnod y mae'r rhandaliad yn ddyledus i'w dalu;
- (c) yn rhandaliad mewn perthynas â dwy wythnos, y cyfnod yw 14 diwrnod, yn cychwyn 6 diwrnod cyn y diwrnod y mae'r rhandaliad yn ddyledus i'w dalu;
- (d) yn rhandaliad mewn perthynas â phedair wythnos, y cyfnod yw 28 diwrnod, yn diweddu ar y diwrnod y mae'r rhandaliad yn ddyledus i'w dalu.

(1) O.S. 1987/1967; mewnosodwyd Atodlen 1B gan O.S. 1996/206.

- (c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay ends or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credit ends,

whichever occurs first.

(17) In sub-paragraphs (15) and (16)—

- (a) “qualifying support” (“*cymhorthdal cymwys*”) means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987(1); and
- (b) “child care element” (“*elfen gofal plant*”) of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002 (child care element).

(18) In this paragraph “applicant” (“*ceisydd*”) does not include an applicant—

- (a) who has, or
- (b) who (jointly with a partner) has,

an award of universal credit.

Calculation of average weekly income from tax credits

56.—(1) This paragraph applies where an applicant receives a tax credit.

(2) Where this paragraph applies, the period over which a tax credit is to be taken into account must be the period set out in sub-paragraph (3).

(3) Where the instalment in respect of which payment of a tax credit is made is—

- (a) a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
- (b) a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
- (c) a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
- (d) a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.

(1) S.I. 1987/1967; Schedule 1B was inserted by S.I. 1996/206.

(4) At ddibenion y paragraff hwn ystyr “credyd treth” (“*tax credit*”) yw credyd treth plant neu gredyd treth gwaith.

Diystyru newidiadau mewn treth, cyfraniadau etc

57. Wrth gyfrifo incwm ceisydd, caiff yr awdurdod ddiystyru unrhyw newid deddfwriaethol—

- (a) yng nghyfradd sylfaenol neu gyfraddau eraill y dreth incwm;
- (b) yn swm unrhyw ryddhad treth personol;
- (c) yng nghyfraddau cyfraniadau nawdd cymdeithasol sy'n daladwy o dan DCBNC neu yn y terfyn enillion isaf neu'r terfyn enillion uchaf ar gyfer cyfraniadau Dosbarth 1 o dan y Ddeddf honno, y terfynau uchaf neu isaf sy'n gymwys i gyfraniadau Dosbarth 4 o dan y Ddeddf honno neu'r swm a bennir yn adran 11(4) o'r Ddeddf honno (eithriad enillion isel mewn perthynas â chyfraniadau Dosbarth 2);
- (d) yn swm y dreth sy'n daladwy o ganlyniad i gynnydd yn y gyfradd wythnosol o bensiwn ymddeol Categori A, B, C neu D neu unrhyw ychwanegiad ato neu unrhyw bensiwn graddedig sy'n daladwy o dan DCBNC;
- (e) yn y gyfradd uchaf o gredyd treth plant neu gredyd treth gwaith,

am gyfnod ddim hwy na 30 wythnos ostyngiad, sy'n cychwyn gyda'r wythnos ostyngiad yn union ar ôl y dyddiad y daw'r newid yn effeithiol.

Cyfrifo elw net enillwyr hunangyflogedig

58.—(1) At ddibenion paragraffau 45 (enillion wythnosol cyfartalog enillwyr hunangyflogedig: personau nad ydynt yn bensiynwyr) a 54 (cyfrifo incwm ar sail wythnosol), rhaid i enillion y ceisydd y mae'n rhaid eu cymryd i ystyriaeth—

- (a) yn achos enillydd hunangyflogedig sy'n ymgymryd â chyflogaeth ar ei ran ei hun, fod yr elw net sy'n deillio o'r gyflogaeth honno;
- (b) yn achos enillydd hunangyflogedig sy'n bensiynwr ac yn ymgymryd â'i gyflogaeth mewn partneriaeth, fod yn gyfran y person hwnnw o'r elw net sy'n deillio o'r gyflogaeth honno, llai—
 - (i) swm mewn perthynas â threth incwm a chyfraniadau nawdd cymdeithasol sy'n daladwy o dan DCBNC, a gyfrifir yn unol â pharagraff 59 (didynnu treth a chyfraniadau enillwyr hunangyflogedig); a

(4) For the purposes of this paragraph “tax credit” (“*credyd treth*”) means child tax credit or working tax credit.

Disregard of changes in tax, contributions etc

57. In calculating the applicant's income the authority may disregard any legislative change—

- (a) in the basic or other rates of income tax;
- (b) in the amount of any personal tax relief;
- (c) in the rates of social security contributions payable under the SSCBA or in the lower earnings limit or upper earnings limit for Class 1 contributions under that Act, the lower or upper limits applicable to Class 4 contributions under that Act or the amount specified in section 11(4) of that Act (small earnings exception in relation to Class 2 contributions);
- (d) in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the SSCBA;
- (e) in the maximum rate of child tax credit or working tax credit,

for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective.

Calculation of net profit of self-employed earners

58.—(1) For the purposes of paragraphs 45 (average weekly earnings of self-employed earners: persons who are not pensioners) and 54 (calculation of income on a weekly basis) the earnings of an applicant to be taken into account must be—

- (a) in the case of a self-employed earner who is engaged in employment on that person's own account, the net profit derived from that employment;
- (b) in the case of a self-employed earner who is a pensioner whose employment is carried on in partnership, that person's share of the net profit derived from that employment, less—
 - (i) an amount in respect of income tax and of social security contributions payable under the SSCBA calculated in accordance with paragraph 59 (deduction of tax and contributions of self-employed earners); and

(ii) hanner y swm a gyfrifir yn unol ag is-baragraff (11) mewn perthynas ag unrhyw bremiwm cymwys;

(c) yn achos enillydd hunangyflogedig nad yw'n bensiynwr ac sy'n ymgymryd â chyflogaeth mewn partneriaeth, neu gyflogaeth fel pysgotwr cyfran yn yr ystyr a roddir i "share fisherman" gan Reoliadau Nawdd Cymdeithasol (Budd-daliadau Llongwyr) 1975(1), cyfran y person hwnnw o'r elw net sy'n deillio o'r gyflogaeth honno, llai—

(i) swm mewn perthynas â threth incwm a chyfraniadau nawdd cymdeithasol sy'n daladwy o dan DCBNC, a gyfrifir yn unol â pharagraff 59 (didynnu treth a chyfraniadau enillwyr hunangyflogedig); a

(ii) hanner y swm a gyfrifir yn unol ag is-baragraff (11) mewn perthynas ag unrhyw bremiwm cymwys.

(2) Rhaid diystyru, o elw net ceisydd nad yw'n bensiynwr, unrhyw swm, pan fo'n gymwys, a bennir ym mharagraffau 1 i 16 o Atodlen 6 (symiau a ddiystyriwr wrth gyfrifo enillion: personau nad ydynt yn bensiynwyr).

(3) At ddibenion is-baragraff (1)(a) rhaid cyfrifo elw net y gyflogaeth, ac eithrio pan fo is-baragraff (9) yn gymwys, drwy gymryd i ystyriaeth enillion y gyflogaeth dros y cyfnod asesu, llai—

(a) yn ddarostyngedig i is-baragraffau (5) i (8), unrhyw dreuliau a dynnir yn gyfan gwbl ac yn unig yn y cyfnod hwnnw at ddibenion y gyflogaeth honno;

(b) swm mewn perthynas ag—

(i) treth incwm; a

(ii) cyfraniadau nawdd cymdeithasol sy'n daladwy o dan DCBNC,

a gyfrifir yn unol â pharagraff 59 (cyfrifo didyniad treth a chyfraniadau enillwyr hunangyflogedig); ac

(c) hanner y swm a gyfrifir yn unol ag is-baragraff (11) mewn perthynas ag unrhyw bremiwm cymwys.

(4) At ddibenion is-baragraff (1)(b) rhaid cyfrifo elw net y gyflogaeth drwy gymryd i ystyriaeth enillion y gyflogaeth dros y cyfnod asesu llai, yn ddarostyngedig i is-baragraffau (5) i (8), unrhyw dreuliau a dynnir yn gyfan gwbl ac yn unig yn y cyfnod hwnnw at ddibenion y gyflogaeth honno.

(ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium;

(c) in the case of a self-employed earner who is not a pensioner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975(1), that person's share of the net profit derived from that employment, less—

(i) an amount in respect of income tax and of social security contributions payable under the SSCBA calculated in accordance with paragraph 59 (deduction of tax and contributions of self-employed earners); and

(ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.

(2) There must be disregarded from the net profit of an applicant who is not a pensioner, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 6 (sums disregarded in the calculation of earnings: persons who are not pensioners).

(3) For the purposes of sub-paragraph (1)(a) the net profit of the employment must, except where sub-paragraph (9) applies, be calculated by taking into account the earnings of the employment over the assessment period less—

(a) subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of that employment;

(b) an amount in respect of—

(i) income tax; and

(ii) social security contributions payable under the SSCBA,

calculated in accordance with paragraph 59 (deduction of tax and contributions of self-employed earners); and

(c) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.

(4) For the purposes of sub-paragraph (1)(b) the net profit of the employment is to be calculated by taking into account the earnings of the employment over the assessment period less, subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of the employment.

(1) O.S. 1975/529.

(1) S.I. 1975/529.

(5) Yn ddarostyngedig i is-baragraff (6), rhaid peidio â gwneud unrhyw ddidyniad o dan baragraff (3)(a) neu (4), mewn perthynas ag—

- (a) unrhyw wariant cyfalaf;
- (b) dibrisiant unrhyw ased cyfalaf;
- (c) unrhyw swm a ddefnyddiwyd neu y bwriedir ei ddefnyddio i sefydlu neu ehangu'r gyflogaeth;
- (d) unrhyw golled a dynnwyd cyn dechrau'r cyfnod asesu;
- (e) ad-daliad o'r cyfalaf mewn unrhyw fenthyciad a gymerwyd at ddibenion y gyflogaeth;
- (f) unrhyw dreuliau a dynnwyd wrth ddarparu adloniant busnes; ac
- (g) yn achos ceisydd nad yw'n bensiynwr, unrhyw ddyledion, ac eithrio drwg-ddyledion y profwyd eu bod yn ddrwg-ddyledion, ond nid yw'r paragraff hwn yn gymwys i unrhyw dreuliau a dynnir wrth adennill dyled.

(6) Rhaid gwneud didyniad o dan is-baragraff (3)(a) neu (4) mewn perthynas ag ad-dalu'r cyfalaf mewn unrhyw fenthyciad a ddefnyddiwyd ar gyfer—

- (a) amnewid cyfarpar neu beiriannau yng nghwrs busnes; neu
- (b) atgyweirio ased busnes presennol, ac eithrio i'r graddau y mae unrhyw swm yn daladwy o dan bolisi yswiriant ar gyfer ei atgyweirio.

(7) Rhaid i'r awdurdod wrthod gwneud didyniad mewn perthynas ag unrhyw dreuliau o dan is-baragraff (3)(a) neu (4) os na fodlonwyd yr awdurdod, o ystyried natur a swm y draul, ei bod wedi ei thynnu yn rhesymol.

(8) Er mwyn osgoi amheuaeth—

- (a) rhaid peidio â gwneud didyniad o dan is-baragraff (3)(a) neu (4) mewn perthynas ag unrhyw swm, oni wariwyd y swm hwnnw at ddibenion y busnes;
- (b) rhaid gwneud didyniad o dan y naill neu'r llall o'r is-baragraffau hynny mewn perthynas ag—
 - (i) pan fo swm y dreth ar werth a dalwyd yn fwy na swm y dreth ar werth a dderbyniwyd yn y cyfnod asesu, y gwahaniaeth rhwng y ddau swm;
 - (ii) unrhyw incwm a wariwyd i atgyweirio ased busnes presennol ac eithrio i'r graddau y mae unrhyw swm yn daladwy o dan bolisi yswiriant ar gyfer ei atgyweirio;
 - (iii) unrhyw daliad o log ar fenthyciad a gymerwyd at ddibenion y gyflogaeth.

(5) Subject to sub-paragraph (6), no deduction is to be made under paragraph (3)(a) or (4), in respect of—

- (a) any capital expenditure;
- (b) the depreciation of any capital asset;
- (c) any sum employed or intended to be employed in the setting up or expansion of the employment;
- (d) any loss incurred before the beginning of the assessment period;
- (e) the repayment of capital on any loan taken out for the purposes of the employment;
- (f) any expenses incurred in providing business entertainment; and
- (g) in the case of an applicant who is not a pensioner, any debts, except bad debts proved to be such, but this paragraph does not apply to any expenses incurred in the recovery of a debt.

(6) A deduction is to be made under sub-paragraph (3)(a) or (4) in respect of the repayment of capital on any loan used for—

- (a) the replacement in the course of business of equipment or machinery; or
- (b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.

(7) The authority must refuse to make a deduction in respect of any expenses under sub-paragraph (3)(a) or (4) where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.

(8) For the avoidance of doubt—

- (a) a deduction must not be made under sub-paragraph (3)(a) or (4) in respect of any sum unless it has been expended for the purposes of the business;
- (b) a deduction must be made thereunder in respect of—
 - (i) the excess of any value added tax paid over value added tax received in the assessment period;
 - (ii) any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - (iii) any payment of interest on a loan taken out for the purposes of the employment.

(9) Pan fo ceisydd yn ymgymryd â chyflogaeth fel gwarchodwr plant, elw net y gyflogaeth fydd un rhan o dair o enillion y gyflogaeth honno, llai—

- (a) swm mewn perthynas ag—
 - (i) treth incwm; a
 - (ii) cyfraniadau nawdd cymdeithasol sy'n daladwy o dan DCBNC,

a gyfrifir yn unol â pharagraff 59 (cyfrifo didyniad treth a chyfraniadau enillwyr hunangyflogedig); a

- (b) hanner y swm a gyfrifir yn unol ag isbaragraff (11) mewn perthynas ag unrhyw bremiwm cymwys.

(10) Er mwyn osgoi amheuaeth, pan fo ceisydd yn ymgymryd â chyflogaeth fel enillydd hunangyflogedig a'r ceisydd hefyd yn ymgymryd ag un neu ragor o gyflogaethau eraill fel enillydd hunangyflogedig neu gyflogedig, rhaid peidio â gwrthbwysu unrhyw golled a dynnir mewn unrhyw un o gyflogaethau'r enillydd yn erbyn enillion y ceisydd mewn unrhyw un o'i gyflogaethau eraill.

(11) Rhaid cyfrifo'r swm mewn perthynas ag unrhyw bremiwm cymwys drwy luosi swm dyddiol y premiwm cymwys gyda'r rhif sy'n hafal i nifer y diwrnodau yn y cyfnod asesu; ac at ddibenion y paragraff hwn, rhaid penderfynu swm dyddiol y premiwm cymwys fel a ganlyn—

- (a) os yw'r premiwm cymwys yn daladwy yn fisol, drwy luosi swm y cyfraniad cymwys gyda 12 a rhannu'r lluoswm gyda 365;
- (b) mewn unrhyw achos arall, drwy rannu swm y premiwm cymwys gyda'r rhif sy'n hafal i nifer y diwrnodau yn y cyfnod y mae'r premiwm cymwys yn berthynol iddo.

(12) Yn y paragraff hwn, ystyr "premiwm cymwys" ("*qualifying premium*") yw unrhyw bremiwm sy'n daladwy fesul cyfnod mewn perthynas â chynllun pensiwn personol ac yn daladwy felly ar neu ar ôl dyddiad y cais.

Cyfrifo didyniad treth a chyfraniadau enillwyr hunangyflogedig

59.—(1) Rhaid cyfrifo'r swm sydd i'w ddiynnu mewn perthynas â threth incwm o dan baragraff 58(1)(b)(i), (3)(b)(i) neu (9)(a)(i) (cyfrifo elw net enillwyr hunangyflogedig)—

- (a) ar sail swm yr incwm trethadwy, a
- (b) fel pe bai'r incwm hwnnw'n asesadwy ar gyfer treth incwm ar y gyfradd dreth sylfaenol sy'n gymwys i'r cyfnod asesu, llai, yn unig, y rhyddhad personol y mae hawl

(9) Where an applicant is engaged in employment as a child minder the net profit of the employment is to be one-third of the earnings of that employment, less—

- (a) an amount in respect of—
 - (i) income tax; and
 - (ii) social security contributions payable under the SSCBA,

calculated in accordance with paragraph 59 (deduction of tax and contributions of self-employed earners); and

- (b) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.

(10) For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and the applicant is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of the applicant's employments must not be offset against the applicant's earnings in any other of the applicant's employments.

(11) The amount in respect of any qualifying premium is to be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying premium must be determined—

- (a) where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and dividing the product by 365;
- (b) in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.

(12) In this paragraph, "qualifying premium" ("*premiwm cymwys*") means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of application.

Calculation of deduction of tax and contributions of self-employed earners

59.—(1) The amount to be deducted in respect of income tax under paragraph 58(1)(b)(i), (3)(b)(i) or (9)(a)(i) (calculation of net profit of self-employed earners) must be calculated—

- (a) on the basis of the amount of chargeable income, and
- (b) as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled

gan y ceisydd i'w gael o dan adrannau 35 i 37 o Ddeddf Treth Incwm 2007(1) (lwfansau personol) fel y bo'n briodol i amgylchiadau'r ceisydd.

(2) Ond, os yw'r cyfnod asesu'n llai na blwyddyn, rhaid cyfrifo'r enillion y cymhwysir y gyfradd dreth sylfaenol iddynt a swm y rhyddhad personol sy'n ddidynadwy o dan y paragraff hwn ar sail *pro rata*.

(3) Y swm sydd i'w ddidynnu mewn perthynas â chyfraniadau nawdd cymdeithasol o dan baragraff 58(1)(b)(i), (3)(b)(ii) neu (9)(a)(ii) yw cyfanswm y canlynol—

- (a) swm y cyfraniadau Dosbarth 2 sy'n daladwy o dan adran 11(1) o DCBNC neu, yn ôl fel y digwydd, adran 11(3) o DCBNC ar y gyfradd sy'n gymwys i'r cyfnod asesu ac eithrio pan fo incwm trethadwy'r ceisydd yn llai na'r swm a bennir yn adran 11(4) o'r Ddeddf honno (eithriad enillion isel) ar gyfer y flwyddyn dreth sy'n gymwys i'r cyfnod asesu; ond os yw'r cyfnod asesu'n llai na blwyddyn, rhaid lleihau'r swm a bennir ar gyfer y flwyddyn dreth honno *pro rata*; a
- (b) swm y cyfraniadau Dosbarth 4 (os oes rhai) a fyddai'n daladwy o dan adran 15 o DCBNC (cyfraniadau Dosbarth 4 sy'n adenilladwy o dan y Deddfau Treth Incwm) ar y gyfradd ganrannol sy'n gymwys i'r cyfnod asesu ar gymaint o'r incwm trethadwy ag sydd uwchlaw'r terfyn isaf, ond nid uwchlaw'r terfyn uchaf o elwau a chynyddiadau cymwys ar gyfer y flwyddyn dreth sy'n gymwys i'r cyfnod asesu; ond os yw'r cyfnod asesu'n llai na blwyddyn, rhaid lleihau'r terfynau hynny *pro rata*.

(4) Yn y paragraff hwn ystyr "incwm trethadwy" ("*chargeable income*") yw—

- (a) ac eithrio pan fo paragraff (b) yn gymwys, yr enillion sy'n deillio o gyflogaeth, llai unrhyw dreuliau a ddidynnwyd o dan is-baragraff (3)(a) neu, yn ôl fel y digwydd, is-baragraff (5) o baragraff 58;

under sections 35 to 37 of the Income Tax Act 2007(1) (personal allowances) as is appropriate to the applicant's circumstances.

(2) But, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph must be calculated on a *pro rata* basis.

(3) The amount to be deducted in respect of social security contributions under paragraph 58 (1)(b)(i), (3)(b)(ii) or (9)(a)(ii) is the total of—

- (a) the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the SSCBA at the rate applicable to the assessment period except where the applicant's chargeable income is less than the amount specified in section 11(4) of that Act (small earnings exception) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year must be reduced *pro rata*; and
- (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the SSCBA (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits must be reduced *pro rata*.

(4) In this paragraph "chargeable income" ("*incwm trethadwy*") means—

- (a) except where paragraph (b) applies, the earnings derived from the employment less any expenses deducted under sub-paragraph (3)(a) or, as the case may be, (5) of paragraph 58;

(1) 2007 p.3; diwygiwyd pennawd ac is-adran (1) o adran 35 gan adran 4 o Ddeddf Cyllid 2012 (p.14) ("Deddf 2012"); mewnosodwyd is-adrannau (2) a (4) gan adran 4 o Ddeddf Cyllid 2009 (p.10). Yn adran 36, diwygiwyd y pennawd ac is-adran (2), amnewidiwyd is-adran (1) ac mewnosodwyd is-adran (2A) gan adran 4 o Ddeddf 2012; mae is-adran (2) wedi ei diwygio hefyd gan erthygl 3 o O.S. 2012/3047, ac adran 4 o Ddeddf Cyllid 2009. Yn adran 37, diwygiwyd y pennawd ac is-adran (2), amnewidiwyd is-adran (1) ac mewnosodwyd is-adran (2A) gan adran 4 o Ddeddf 2012; mae is-adran (2) wedi ei diwygio hefyd gan erthygl 3 o O.S. 2012/3047, ac adran 4 o Ddeddf Cyllid 2009.

(1) 2007 c.3; the heading and subsection (1) of section 35 were amended by section 4 of the Finance Act 2012 (c.14) ("2012 Act"), subsections (2) and (4) were inserted by section 4 of the Finance Act 2009 (c.10). In section 36, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by article 3 of S.I. 2012/3047 and section 4 of the Finance Act 2009. In section 37, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by article 3 of S.I. 2012/3047 and section 4 of the Finance Act 2009.

- (b) yn achos cyflogaeth fel gwarchodwr plant, un rhan o dair o enillion y gyflogaeth honno.

- (b) in the case of employment as a child minder, one-third of the earnings of that employment.

PENNOD 7

Cyfalaf

Cyfrifo cyfalaf

60.—(1) Yn ddarostyngedig i is-baragraff (2), y cyfalaf y mae'n rhaid ei gymryd i ystyriaeth yn achos ceisydd⁽¹⁾ yw'r cyfan o gyfalaf y ceisydd, fel y'i cyfrifir yn unol â'r Rhan hon, ac (yn achos unrhyw bersonau nad ydynt yn bensiynwyr) unrhyw incwm a drinnir fel cyfalaf o dan baragraff 61 (incwm a drinnir fel cyfalaf: personau nad ydynt yn bensiynwyr).

(2) Wrth gyfrifo cyfalaf ceisydd o dan is-baragraff (1), rhaid diystyru, pan fo'n gymwys, unrhyw gyfalaf a bennir yn—

- (a) Atodlen 8, mewn perthynas â phensiynwyr;
- (b) Atodlen 9, mewn perthynas â phersonau nad ydynt yn bensiynwyr.

(3) Yn achos ceisydd sy'n bensiynwr, rhaid trin cyfalaf y ceisydd fel pe bai'n cynnwys unrhyw daliad a wneir i'r ceisydd ar gyfer ôl-ddyled o—

- (a) credyd treth plant;
- (b) credyd treth gwaith;
- (c) credyd pensiwn y wladwriaeth,

os gwnaed y taliad mewn perthynas â chyfnod y caniatawyd gostyngiad o dan y cynllun hwn ar gyfer rhan neu'r cyfan ohono, cyn talu'r ôl-ddyled honno.

(4) Rhaid peidio â thrin cyfalaf plentyn neu berson ifanc, sy'n aelod o deulu ceisydd nad yw'n bensiynwr, fel pe bai'n gyfalaf y ceisydd.

Incwm a drinnir fel cyfalaf: personau nad ydynt yn bensiynwyr

61.—(1) Mae'r paragraff hwn yn gymwys mewn perthynas â phersonau nad ydynt yn bensiynwyr.

(2) Rhaid trin fel cyfalaf unrhyw haelrodd sy'n deillio o gyflogaeth, y mae paragraff 9 o Atodlen 6 (symiau a ddiystyrir wrth gyfrifo enillion: personau nad ydynt yn bensiynwyr) yn gymwys iddi ac a delir fesul cyfnod o un flwyddyn o leiaf.

(3) Rhaid trin fel cyfalaf unrhyw swm ar ffurf ad-daliad o dreth incwm a ddidynnwyd o elwau neu daliadau trethadwy i dreth incwm o dan Atodlen D neu E.

CHAPTER 7

Capital

Calculation of capital

60.—(1) The capital of an applicant⁽¹⁾ to be taken into account must be, subject to sub-paragraph (2), the whole of the applicant's capital calculated in accordance with this Part and (in the case of persons who are not pensioners) any income treated as capital under paragraph 61 (income treated as capital: persons who are not pensioners).

(2) There must be disregarded from the calculation of an applicant's capital under sub-paragraph (1), any capital, where applicable, specified in—

- (a) Schedule 8, in relation to pensioners;
- (b) Schedule 9, in relation to persons who are not pensioners.

(3) In the case of an applicant who is a pensioner, the applicant's capital is to be treated as including any payment made to the applicant by way of arrears of—

- (a) child tax credit;
- (b) working tax credit;
- (c) state pension credit,

if the payment was made in respect of a period for the whole or part of which a reduction under this scheme was allowed before those arrears were paid.

(4) The capital of a child or young person who is a member of the family of an applicant who is not a pensioner must not be treated as capital of the applicant.

Income treated as capital: persons who are not pensioners

61.—(1) This paragraph applies in relation to persons who are not pensioners.

(2) Any bounty derived from employment to which paragraph 9 of Schedule 6 (sums disregarded in the calculation of earnings: persons who are not pensioners) applies and paid at intervals of at least one year is to be treated as capital.

(3) Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E is to be treated as capital.

(1) Y terfyn cyfalaf yw £16,000, gweler paragraff 21.

(1) The capital limit is £16,000, see paragraph 21.

(4) Rhaid trin fel cyfalaf unrhyw dâl gwyliau nad yw'n enillion o dan baragraff 38(1)(d) neu 48(1)(d) (enillion enillwyr cyflogedig).

(5) Ac eithrio unrhyw incwm sy'n deillio o gyfalaf ac a ddiystyrir o dan baragraffau 4, 5, 7, 11, 17, 30 i 33, 48 neu 49 o Atodlen 9 (diystyriadau cyfalaf: personau nad ydynt yn bensiynwyr), rhaid trin fel cyfalaf unrhyw incwm sy'n deillio o gyfalaf, ond hynny, yn unig, o'r dyddiad dyladwy arferol pan gredydir yr incwm hwnnw i gyfrif y ceisydd.

(6) Yn achos cyflogaeth fel enillydd cyflogedig, rhaid trin fel cyfalaf unrhyw flaen-daliad o enillion, neu unrhyw fenthyciad, a roddir i'r ceisydd gan ei gyflogwr.

(7) Rhaid trin fel cyfalaf unrhyw daliad elusennol neu wirfoddol nas gwneir ac nad yw'n ddyladwy fesul cyfnod rheolaidd, ac eithrio taliad a wneir o dan, neu gan yr Ymddiriedolaethau, y Gronfa, Ymddiriedolaeth Eileen, MFET Limited, Cronfa Skipton, Sefydliad Caxton, y Gronfa Byw'n Annibynnol (2006) neu Gronfa Cymorth Elusennol Bomiau Llundain.

(8) Rhaid trin fel cyfalaf dderbyniadau gros unrhyw weithgarwch masnachol a ymgwymerir gan berson sy'n cael cymorth mewn perthynas â hynny o dan y llwybr hunangyflogaeth, ond hynny i'r graddau, yn unig, y talwyd y derbyniadau hynny i gyfrif arbennig yn ystod y cyfnod pan oedd y person hwnnw'n derbyn y cyfryw gymorth.

(9) Rhaid trin fel cyfalaf unrhyw ôl-ddyled o lwfans cynhaliaeth a delir i geisydd fel cyfandaliad.

(10) Rhaid trin fel cyfalaf unrhyw ôl-ddyled o gredyd treth gwaith neu gredyd treth plant.

Cyfrifo cyfalaf yn y Deyrnas Unedig

62. Rhaid cyfrifo'r cyfalaf a feddir gan geisydd yn y Deyrnas Unedig yn ôl ei werth presennol ar y farchnad neu ei werth ildio, llai—

- (a) 10 y cant, os byddai treuliau a briodolid i'r gwerthiant; a
- (b) swm unrhyw lyffethair a sicrhawyd ar y cyfalaf.

Cyfrifo cyfalaf y tu allan i'r Deyrnas Unedig

63. Rhaid cyfrifo cyfalaf a feddir gan geisydd mewn gwlad y tu allan i'r Deyrnas Unedig—

- (a) mewn achos pan nad oes gwaharddiad yn y wlad honno ar drosglwyddo i'r Deyrnas Unedig swm sy'n hafal i werth presennol y cyfalaf ar y farchnad, neu ei werth ildio yn y wlad honno, yn ôl y gwerth hwnnw;
- (b) mewn achos pan fo gwaharddiad o'r fath yn bodoli, yn ôl y pris y byddai'r cyfalaf yn ei gyrraedd pe gwerthid i brynwr parod yn y Deyrnas Unedig,

(4) Any holiday pay which is not earnings under paragraph 38(1)(d) or 48(1)(d) (earnings of employed earners) is to be treated as capital.

(5) Except any income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17, 30 to 33, 48 or 49 of Schedule 9 (capital disregards: persons who are not pensioners), any income derived from capital is to be treated as capital but only from the date it is normally due to be credited to the applicant's account.

(6) In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer is to be treated as capital.

(7) Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Relief Charitable Fund, is to be treated as capital.

(8) There is to be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.

(9) Any arrears of subsistence allowance which are paid to an applicant as a lump sum must be treated as capital.

(10) Any arrears of working tax credit or child tax credit must be treated as capital.

Calculation of capital in the United Kingdom

62. Capital which an applicant possesses in the United Kingdom is to be calculated at its current market or surrender value less—

- (a) where there would be expenses attributable to the sale, 10 per cent; and
- (b) the amount of any encumbrance secured on it.

Calculation of capital outside the United Kingdom

63. Capital which an applicant possesses in a country outside the United Kingdom is to be calculated—

- (a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value;
- (b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,

llai, os byddai treuliau a briodolid i'r gwerthiant, 10 y cant, a swm unrhyw lyffetheiriaau a sicrhawyd ar y cyfalaf.

Cyfalaf tybiannol

64.—(1) Rhaid trin ceisydd fel pe bai'n meddu unrhyw gyfalaf yr amddifadodd y ceisydd ei hunan ohono at y diben o sicrhau hawlogaeth i ostyngiad neu gynyddu swm y gostyngiad hwnnw, ac eithrio i'r graddau y lleiheur y cyfalaf hwnnw yn unol â pharagraffau 65 a 66 (rheol lleihau cyfalaf tybiannol).

(2) Yn achos ceisydd sy'n bensiynwr ac yn gwaredu cyfalaf at y diben—

- (a) o leihau neu dalu dyled sydd arno; neu
- (b) o brynu nwyddau neu wasanaethau pan fo'r gwariant arnynt yn rhesymol yn amgylchiadau'r ceisydd,

rhaid ystyried nad yw'n amddifadu ei hunan o'r cyfalaf hwnnw.

(3) Mae is-baragraffau (4) to (6) yn gymwys mewn perthynas â cheiswyr nad ydynt yn bensiynwr.

(4) Ac eithrio yn achos—

- (a) ymddiriedolaeth ddisgresiynol; neu
- (b) ymddiriedolaeth sy'n deillio o daliad a wnaed o ganlyniad i niwed personol; neu
- (c) unrhyw fenthyciad na fyddid yn ei chael oni fyddid yn ei sicrhau ar gyfalaf a ddiystyrir o dan Atodlen 9; neu
- (d) cynllun pensiwn personol, cynllun pensiwn galwedigaethol neu daliad a wneir gan Fwrdd y Gronfa Diogelu Pensiynau; neu
- (e) unrhyw swm y mae paragraff 48(2)(a) o Atodlen 9 (cyfalaf sydd i'w ddiystyru) yn gymwys iddo, a weinyddir yn y modd y cyfeirir ato ym mharagraff 49(1)(a) o'r Atodlen honno; neu
- (f) unrhyw swm y mae paragraff 49(a) o Atodlen 9 yn cyfeirio ato; neu
- (g) credyd treth plant; neu
- (h) credyd treth gwaith,

rhaid trin unrhyw gyfalaf, a fyddai wedi bod ar gael i'r ceisydd pe bai wedi gwneud cais amdano ond nas caffaelwyd gan y ceisydd, fel pe bai'r ceisydd yn meddu'r cyfalaf hwnnw ond hynny yn unig, o'r dyddiad y gellid disgwyl caffael y cyfalaf pe byddid wedi gwneud cais.

(5) Rhaid trin unrhyw daliad o gyfalaf, ac eithrio taliad o gyfalaf a bennir yn is-baragraff (6), a wneir—

less, where there would be expenses attributable to sale, 10 per cent and the amount of any encumbrances secured on it.

Notional capital

64.—(1) An applicant is to be treated as possessing capital of which the applicant has deprived himself or herself for the purpose of securing entitlement to a reduction or increasing the amount of that reduction except to the extent that that capital is reduced in accordance with paragraphs 65 and 66 (diminishing notional capital rule).

(2) An applicant who is a pensioner who disposes of capital for the purpose of—

- (a) reducing or paying a debt owed by the applicant; or
- (b) purchasing goods or services if the expenditure was reasonable in the circumstances of the applicant's case,

is to be regarded as not depriving himself or herself of it.

(3) Sub-paragraphs (4) to (6) apply in relation to applicants who are not pensioners.

(4) Except in the case of—

- (a) a discretionary trust; or
- (b) a trust derived from a payment made in consequence of a personal injury; or
- (c) any loan which would be obtained only if secured against capital disregarded under Schedule 9; or
- (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
- (e) any sum to which paragraph 48(2)(a) of Schedule 9 (capital disregards: persons who are not pensioner) applies which is administered in the way referred to in paragraph 49(1)(a) of that Schedule; or
- (f) any sum to which paragraph 49(a) of Schedule 9 refers; or
- (g) child tax credit; or
- (h) working tax credit,

any capital which would become available to the applicant upon application being made, but which has not been acquired by the applicant, is to be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.

(5) Any payment of capital, other than a payment of capital specified in sub-paragraph (6), made—

- (a) i drydydd parti mewn perthynas â cheisydd sengl neu aelod o'r teulu (ond nid aelod o deulu'r trydydd parti), pan fo'r taliad hwnnw'n daliad o bensiwn galwedigaethol, pensiwn neu daliad cyfnodol arall a wneir o dan gynllun pensiwn personol, neu daliad a wneir gan Fwrdd y Gronfa Diogelu Pensiynau, fel pe bai'n daliad a feddir gan y ceisydd sengl hwnnw neu, yn ôl fel y digwydd, yr aelod hwnnw;
- (b) i drydydd parti mewn perthynas â cheisydd sengl neu aelod o'r teulu (ond nid aelod o deulu'r trydydd parti), pan nad yw'n daliad y cyfeirir ato ym mharagraff (a), fel pe bai'n daliad a feddir gan y ceisydd sengl hwnnw neu'r aelod hwnnw, i'r graddau y'i defnyddir ar gyfer bwyd, dillad neu esgidiau cyffredin, tanwydd cartref neu rent y ceisydd sengl hwnnw neu, yn ôl fel y digwydd, unrhyw aelod o'r teulu hwnnw, neu y'i defnyddir ar gyfer unrhyw dreth gyngor neu daliadau dŵr y mae'r ceisydd neu'r aelod hwnnw'n atebol amdanynt;
- (c) i geisydd sengl neu aelod o'r teulu mewn perthynas â thrydydd parti (ond nid mewn perthynas ag aelod arall o'r teulu hwnnw) fel pe bai'n daliad a feddir gan y ceisydd sengl hwnnw neu'r aelod hwnnw, i'r graddau y'i cedwir neu y'i defnyddir gan y ceisydd sengl hwnnw neu y'i defnyddir gan neu ar ran unrhyw aelod o'r teulu.

(6) Nid yw is-baragraff (5) yn gymwys mewn perthynas â thaliad o gyfalaf a wneir—

- (a) o dan neu gan unrhyw un o'r Ymddiriedolaethau, y Gronfa, Ymddiriedolaeth Eileen, MFET Limited, y Gronfa Byw'n Annibynnol (2006), Cronfa Skipton, Sefydliad Caxton, neu Gronfa Cymorth Elusennol Bomiau Llundain;
- (b) yn unol ag adran 2 o Ddeddf Cyflogaeth a Hyfforddiant 1973 mewn perthynas â chyfranogiad person—
 - (i) mewn rhaglen gyflogaeth yn yr ystyr o "employment programme" a bennir yn rheoliad 75(1)(a) o Reoliadau Lwfans Ceisio Gwaith 1996;
 - (ii) mewn cynllun hyfforddi yn yr ystyr o "training scheme" a bennir yn rheoliad 75(1)(b) o'r Rheoliadau hynny; neu
 - (iii) mewn cwrs cymwys yn yr ystyr o "qualifying course" a bennir yn rheoliad 17A(7) o'r Rheoliadau hynny;
- (c) mewn perthynas â chyfranogiad person yn y Cynllun Peilot Gweithio Am Eich Budd-dal;

- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) must, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
- (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of the family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by the single applicant or used by or on behalf of any member of the family.

(6) Sub-paragraph (5) does not apply in respect of a payment of capital made—

- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund;
- (b) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
 - (i) in an employment programme specified in regulation 75(1)(a) of the Jobseeker's Allowance Regulations 1996;
 - (ii) in a training scheme specified in regulation 75(1)(b) of those Regulations; or
 - (iii) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations;
- (c) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;

- (d) mewn perthynas â chyfranogiad person yn y Cynllun Gweithgaredd Gwaith Gorfodol;
- (e) mewn perthynas â chyfranogiad ceisydd yn y Cynllun Cyflogaeth, Sgiliau a Menter;
- (f) o dan gynllun pensiwn galwedigaethol, mewn perthynas â phensiwn neu daliad cyfnodol arall a wneir o dan gynllun pensiwn personol, neu daliad a wneir gan Fwrdd y Gronfa Diogelu Pensiynau—
 - (i) pan fo gorchymyn methdaliad wedi ei wneud mewn perthynas â'r person y gwnaed y taliad mewn perthynas ag ef neu, yn yr Alban, ystad y person hwnnw'n destun secwestraeth neu oruchwyliwr barnwrol wedi ei benodi ar ystad y person hwnnw o dan adran 41 o Ddeddf Cyfreithwyr (Yr Alban) 1980;
 - (ii) pan fo'r taliad wedi ei wneud i ymddiriedolwr mewn methdaliad neu unrhyw berson arall sy'n gweithredu ar ran y credydwy; a
 - (iii) pan nad yw'r person y cyfeirir ato yn is-baragraff (i) nac unrhyw aelod o deulu'r person hwnnw yn meddu, neu pan na thrinnir hwy fel pe baent yn meddu, unrhyw incwm arall ar wahân i'r taliad hwnnw.

(7) Os yw ceisydd, mewn perthynas â chwmmi, mewn safle cyfatebol i safle unig berchennog neu bartner ym musnes y cwmni hwnnw, caniateir trin y ceisydd fel pe bai'n unig berchennog neu bartner o'r fath, ac mewn achos o'r fath—

- (a) er gwaethaf paragraff 60 (cyfrifo cyfalaf) rhaid diystyru gwerth daliad y ceisydd yn y cwmni hwnnw; a
- (b) rhaid trin y ceisydd, yn ddarostyngedig i is-baragraff (8), fel pe bai'n meddu swm o gyfalaf sy'n hafal i werth, neu, yn ôl fel y digwydd, cyfran y ceisydd o werth, cyfalaf y cwmni hwnnw ac y mae darpariaethau blaenorol y Bennod hon yn gymwys at ddibenion cyfrifo'r swm hwnnw, fel pe bai'n gyfalaf gwirioneddol a feddid gan y ceisydd.

(8) Am gyhyd ag y bo'r ceisydd yn ymgymryd â gweithgareddau yng nghwrs busnes y cwmni, rhaid diystyru'r swm y trinnir y ceisydd fel pe bai'n ei feddu o dan is-baragraff (7).

(9) Pan drinnir ceisydd fel pe bai'n meddu cyfalaf o dan unrhyw un o is-baragraffau (1), (4) neu (5) mae darpariaethau blaenorol y Bennod hon yn gymwys at ddibenion cyfrifo swm y cyfalaf hwnnw, fel pe bai'n gyfalaf gwirioneddol a feddir gan y ceisydd.

- (d) in respect of a person's participation in the Mandatory Work Activity Scheme;
- (e) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
- (f) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in sub-paragraph (i) and any member of that person's family do not possess, or are not treated as possessing, any other income apart from that payment.

(7) Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, the applicant may be treated as if the applicant were such sole owner or partner and in such a case—

- (a) the value of the applicant's holding in that company must, notwithstanding paragraph 60 (calculation of capital) be disregarded; and
- (b) the applicant must, subject to sub-paragraph (8), be treated as possessing an amount of capital equal to the value or, as the case may be, the applicant's share of the value of the capital of that company and the foregoing provisions of this Chapter apply for the purposes of calculating that amount as if it were actual capital which the applicant does possess.

(8) For so long as the applicant undertakes activities in the course of the business of the company, the amount which the applicant is treated as possessing under sub-paragraph (7) is to be disregarded.

(9) Where an applicant is treated as possessing capital under any of sub-paragraphs (1), (4) or (5) the foregoing provisions of this Chapter apply for the purposes of calculating its amount as if it were actual capital which the applicant does possess.

Rheol lleihau cyfalaf tybiannol: pensïynwyr

65.—(1) Pan drinnir ceisydd sy'n bensïynwr fel pe bai'n meddu cyfalaf o dan baragraff 64(1) (cyfalaf tybiannol), rhaid lleihau'r swm y trinnir y ceisydd fel pe bai'n ei feddu—

- (a) yn achos wythnos sy'n dilyn—
 - (i) yr wythnos berthnasol y bodlonir mewn perthynas â hi yr amodau a bennir yn is-baragraff (2); neu
 - (ii) yr wythnos sy'n dilyn yr wythnos berthnasol honno ac yn bodloni'r amodau hynny,

o swm sydd i'w benderfynu o dan is-baragraff (3);

- (b) yn achos wythnos nad yw is-baragraff (1)(a) yn gymwys iddi, ond pan fo—
 - (i) yr wythnos honno'n wythnos sy'n dilyn yr wythnos berthnasol; a
 - (ii) yr wythnos berthnasol honno'n wythnos y bodlonir ynddi'r amod yn is-baragraff (4),

o swm sydd i'w benderfynu o dan is-baragraff (5).

(2) Mae'r is-baragraff hwn yn gymwys i wythnos ostyngiad pan fo'r ceisydd yn bodloni'r amodau canlynol—

- (a) bod y ceisydd yn cael gostyngiad yn y dreth gyngor o dan y cynllun hwn; a
- (b) oni bai am baragraff 64(1), byddai'r ceisydd wedi cael gostyngiad mwy yn y dreth gyngor o dan y cynllun hwn yn yr wythnos honno.

(3) Mewn achos y mae is-baragraff (2) yn gymwys iddo, rhaid i'r gostyngiad yn swm y cyfalaf y trinnir y ceisydd fel pe bai'n ei feddu at ddibenion is-baragraff (1)(a) fod yn hafal i swm cyfanredol y canlynol—

- (a) swm sy'n hafal i'r swm ychwanegol o ostyngiad yn y dreth gyngor, y cyfeirir ato yn is-baragraff (2)(b);
- (b) os yw'r ceisydd wedi hawlio credyd pensiwn y wladwriaeth yn ogystal, swm unrhyw gredyd pensiwn y wladwriaeth neu unrhyw swm ychwanegol o gredyd pensiwn y wladwriaeth y byddai'r ceisydd wedi bod â hawl i'w gael mewn perthynas â'r wythnos ostyngiad y cyfeirir ati yn is-baragraff (2) pe na fyddid wedi cymhwyso rheoliad 21(1) o Reoliadau Credyd Pensiwn y Wladwriaeth 2002(1) (cyfalaf tybiannol);
- (c) os yw'r ceisydd wedi hawlio budd-dal tai yn ogystal, swm unrhyw fudd-dal tai neu

Diminishing notional capital rule: pensioners

65.—(1) Where an applicant who is a pensioner is treated as possessing capital under paragraph 64(1) (notional capital), the amount which the applicant is treated as possessing—

- (a) in the case of a week that is subsequent to—
 - (i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions,

is to be reduced by an amount determined under sub-paragraph (3);

- (b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—
 - (i) that week is a week subsequent to the relevant week; and
 - (ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied,

is to be reduced by the amount determined under sub-paragraph (5).

(2) This sub-paragraph applies to a reduction week where the applicant satisfies the conditions that—

- (a) the applicant is in receipt of a reduction in council tax under this scheme; and
- (b) but for paragraph 64(1), the applicant would have received a greater reduction in council tax under this scheme in that week.

(3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital the applicant is treated as possessing for the purposes of sub-paragraph (1)(a) must be equal to the aggregate of—

- (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;
- (b) where the applicant has also claimed state pension credit, the amount of any state pension credit or any additional amount of state pension credit to which the applicant would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 21(1) of the State Pension Credit Regulations 2002(1) (notional capital);
- (c) where the applicant has also claimed housing benefit, the amount of any housing

unrhyw swm ychwanegol o'r budd-dal hwnnw y byddai'r ceisydd wedi bod â hawl i'w gael mewn perthynas â'r cyfan neu ran o'r wythnos ostyngiad y cyfeirir ati yn is-baragraff (2) pe na fyddid wedi cymhwyso rheoliad 47(1) o Reoliadau Budd-dal Tai (Personau a gyrhaeddodd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth) 2006(1) (cyfalaf tybiannol);

- (d) os yw'r ceisydd wedi hawlio lwfans ceisio gwaith yn ogystal, swm unrhyw lwfans ceisio gwaith ar sail incwm y byddai'r ceisydd wedi bod â hawl i'w gael mewn perthynas â'r cyfan neu ran o'r wythnos ostyngiad y cyfeirir ati yn is-baragraff (2) pe na fyddid wedi cymhwyso rheoliad 113 o Reoliadau Lwfans Ceisio Gwaith 1996(2) (cyfalaf tybiannol); ac
- (e) os yw'r ceisydd wedi hawlio lwfans cyflogaeth a chymorth lwfans swm unrhyw lwfans cyflogaeth a chymorth ar sail incwm y byddai'r ceisydd wedi bod â hawl i'w gael mewn perthynas â'r cyfan neu ran o'r wythnos ostyngiad y cyfeirir ati yn is-baragraff (2) pe na fyddid wedi cymhwyso rheoliad 115 o Reoliadau Lwfans Cyflogaeth a Chymorth 2008(3) (cyfalaf tybiannol).

(4) Yn ddarostyngedig i is-baragraff (7), at ddibenion is-baragraff (1)(b) yr amod yw fod y ceisydd yn bensiynwr ac y byddai hawl ganddo i gael gostyngiad yn y dreth gyngor yn yr wythnos berthnasol oni bai am baragraff 64(1).

(5) Mewn achos o'r fath, mae'r gostyngiad yn swm y cyfalaf y trinnir y ceisydd fel pe bai'n ei feddu at ddibenion is-baragraff (1)(b) yn hafal i swm cyfanredol y canlynol—

- (a) swm y budd-tal treth gyngor y byddai hawl gan y ceisydd i'w gael yn yr wythnos berthnasol oni bai am baragraff 64(1);
- (b) os byddai hawl wedi bod gan y ceisydd, oni bai am reoliad 21 o Reoliadau Credyd Pensiwn y Wladwriaeth 2002, i gael credyd pensiwn y wladwriaeth mewn perthynas â'r wythnos fudd-dal, o fewn yr ystyr a roddir i "benefit week" yn rheoliad 1(2) o'r Rheoliadau hynny (dehongli), sy'n cynnwys diwrnod olaf yr wythnos berthnasol, y swm y byddai hawl wedi bod gan y ceisydd i'w gael;

benefit or any additional amount of housing benefit to which the applicant would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(1) (notional capital);

- (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which the applicant would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996(2) (notional capital); and
- (e) where the applicant has also claimed an employment and support allowance, the amount of an income related employment and support allowance to which the applicant would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008(3) (notional capital).

(4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is a pensioner and would have been entitled to a reduction in council tax under this scheme in the relevant week but for paragraph 64(1).

(5) In such a case the amount of the reduction in the amount of capital the applicant is treated as possessing for the purposes of sub-paragraph (1)(b) is equal to the aggregate of—

- (a) the amount of the reduction in council tax to which the applicant would have been entitled in the relevant week but for paragraph 64(1);
- (b) if the applicant would, but for regulation 21 of the State Pension Credit Regulations 2002, have been entitled to state pension credit in respect of the benefit week, within the meaning of regulation 1(2) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which the applicant would have been entitled;

(1) O.S. 2006/214.
(2) O.S. 1996/207.
(3) O.S. 2008/794.

(1) S.I. 2006/214.
(2) S.I. 1996/207.
(3) S.I. 2008/794.

- (c) os byddai hawl wedi bod gan y ceisydd, oni bai am reoliad 47(1) o Reoliadau Budd-dal Tai (Personau a gyrhaeddodd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth) 2006, i gael budd-dal tai neu swm ychwanegol o fudd-dal tai mewn perthynas â'r wythnos fudd-dal, sy'n cynnwys diwrnod olaf yr wythnos berthnasol, y swm sy'n hafal i—
- (i) mewn achos pan nad oes budd-dal tai yn daladwy, y swm y byddai hawl wedi bod gan y ceisydd i'w gael; neu
- (ii) mewn unrhyw achos arall, y swm sy'n hafal i'r swm ychwanegol o fudd-dal tai y byddai hawl wedi bod gan y ceisydd i'w gael;
- (d) os byddai hawl wedi bod gan y ceisydd, oni bai am reoliad 113 o Reoliadau Lwfans Ceisio Gwaith 1996, i gael lwfans ceisio gwaith ar sail incwm mewn perthynas â'r wythnos fudd-dal, o fewn yr ystyr a roddir i "benefit week" yn rheoliad 1(3) o'r Rheoliadau hynny (dehongli), sy'n cynnwys diwrnod olaf yr wythnos berthnasol, y swm y byddai hawl wedi bod gan y ceisydd i'w gael; ac
- (e) os byddai hawl wedi bod gan y ceisydd, oni bai am reoliad 115 o Reoliadau Lwfans Cyflogaeth a Chymorth 2008, i gael lwfans cyflogaeth a chymorth ar sail incwm mewn perthynas â'r wythnos fudd-dal, o fewn yr ystyr a roddir i "benefit week" yn rheoliad 2(1) o'r Rheoliadau hynny (dehongli), sy'n cynnwys diwrnod olaf yr wythnos berthnasol, y swm y byddai hawl wedi bod gan y ceisydd i'w gael.

(6) Ond os yw'r swm a grybwyllir ym mharagraff (a), (b), (c), (d) neu (e) o is-baragraff (5) ("y swm perthnasol") mewn perthynas â rhan-wythnos, rhaid penderfynu'r swm sydd i'w gymryd i ystyriaeth o dan y paragraff hwnnw drwy—

- (a) rhannu'r swm perthnasol gyda'r rhif sy'n hafal i nifer y diwrnodau yn y rhan-wythnos honno, a
- (b) lluosu canlyniad y cyfrifiad hwnnw gyda 7.

(7) Rhaid ailbenderfynu'r swm a benderfynwyd o dan is-baragraff (5), o dan yr is-baragraff hwnnw, os yw'r ceisydd yn gwneud cais pellach am ostyngiad yn y dreth gyngor a'r amodau yn is-baragraff (8) wedi eu bodloni, ac mewn achos o'r fath—

- (a) mae paragraffau (a) i (e) o is-baragraff (5) yn gymwys fel pe rhoddid y geiriau "wythnos ddilynol berthnasol" yn lle'r geiriau "wythnos berthnasol"; a

- (c) if the applicant would, but for regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to—
- (i) in a case where no housing benefit is payable, the amount to which the applicant would have been entitled; or
- (ii) in any other case, the amount equal to the additional amount of housing benefit to which the applicant would have been entitled;
- (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which the applicant would have been entitled; and
- (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which the applicant would have been entitled.

(6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—

- (a) dividing the relevant amount by the number equal to the number of days in that part-week; and
- (b) multiplying the result of that calculation by 7.

(7) The amount determined under sub-paragraph (5) is to be re-determined under that sub-paragraph if the applicant makes a further application for a reduction in council tax and the conditions in sub-paragraph (8) are satisfied, and in such a case—

- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words "relevant week" there were substituted the words "relevant subsequent week"; and

- (b) yn ddarostyngedig i is-baragraff (9), mae'r swm fel y'i hail benderfynwyd yn cael effaith o'r wythnos gyntaf sy'n dilyn yr wythnos ddilynol berthnasol sydd dan sylw.

(8) Yr amodau yw—

- (a) y gwneir cais pellach 26 neu ragor o wythnosau ar ôl—
 - (i) y dyddiad y gwnaeth y ceisydd y cais am ostyngiad yn y dreth gyngor y triniwyd y ceisydd gyntaf mewn perthynas ag ef, fel pe bai'n meddu'r cyfalaf dan sylw o dan baragraff 64(1);
 - (ii) mewn achos pan wnaed o leiaf un ailbenderfyniad yn unol ag is-baragraff (7), y dyddiad y gwnaeth y ceisydd gais ddiwethaf am ostyngiad yn y dreth gyngor a arweiniodd at ailbenderfynu'r swm wythnosol, neu
 - (iii) y dyddiad y peidiodd ddiwethaf hawl y ceisydd i gael gostyngiad yn y dreth gyngor,

pa un bynnag ddigwyddodd ddiwethaf; a

- (b) byddai hawl wedi bod gan y ceisydd i gael gostyngiad o'r dreth gyngor o dan y cynllun hwn, oni bai am baragraff 64(1).

(9) Rhaid i'r swm a ailbenderfynir yn unol ag is-baragraff (7) beidio â chael effaith os yw'n llai na'r swm a oedd yn gymwys yn yr achos hwnnw yn union cyn ailbenderfynu; ac mewn achos o'r fath rhaid i'r swm uchaf barhau i gael effaith.

(10) At ddibenion y paragraff hwn—

ystyr "rhan-wythnos" ("*part-week*")—

- (a) mewn perthynas â swm a grybwyllir yn is-baragraff (5)(a), yw cyfnod sy'n llai nag wythnos ac y caniateir gostyngiad o'r dreth gyngor ar ei gyfer o dan y cynllun hwn;
- (b) mewn perthynas â swm a grybwyllir yn is-baragraff (5)(b), yw cyfnod sy'n llai nag wythnos ac y mae budd-dal tai yn daladwy ar ei gyfer;
- (c) mewn perthynas â swm a grybwyllir yn is-baragraff (5)(c), (d) neu (e) yw—
 - (i) cyfnod o lai nag wythnos, sydd y cyfan o'r cyfnod y mae cymhorthdal incwm, lwfans cyflogaeth a chymorth ar sail incwm, neu, yn ôl fel y digwydd, lwfans ceisio gwaith ar sail incwm, yn daladwy ar ei gyfer; a
 - (ii) unrhyw gyfnod arall o lai nag wythnos y mae'n daladwy ar ei gyfer;

ystyr "wythnos berthnasol" ("*relevant week*") yw'r wythnos ostyngiad neu'r rhan-wythnos pan

- (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.

(8) The conditions are that—

- (a) a further application is made 26 or more weeks after—
 - (i) the date on which the applicant made an application for a reduction in council tax in respect of which the applicant was first treated as possessing the capital in question under paragraph 64(1);
 - (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (7), the date on which the applicant last made an application for a reduction in council tax which resulted in the weekly amount being re-determined; or
 - (iii) the date on which the applicant last ceased to be entitled to a reduction in council tax,

whichever last occurred; and

- (b) the applicant would have been entitled to a reduction in council tax under this scheme but for paragraph 64(1).

(9) The amount as re-determined pursuant to sub-paragraph (7) must not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.

(10) For the purposes of this paragraph—

"part-week" ("*rhan-wythnos*")—

- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction in council tax under this scheme is allowed;
- (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
- (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means—
 - (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
 - (ii) any other period of less than a week for which it is payable;

"relevant week" ("*wythnos berthnasol*") means the reduction week or part-week in which the

gymerwyd i ystyriaeth y cyfalaf dan sylw, yr amddifadodd y ceisydd ei hunan ohono o fewn ystyr paragraff 64(1)—

- (a) am y tro cyntaf, at y diben o benderfynu hawlogaeth y ceisydd i ostyngiad; neu
- (b) ar achlysur dilynol at y diben o benderfynu neu ailbenderfynu hawlogaeth y ceisydd i ostyngiad ar yr achlysur dilynol hwnnw, a phan barodd y penderfyniad neu'r ailbenderfyniad hwnnw fod y ceisydd naill ai'n dechrau cael neu'n peidio â chael gostyngiad;

ac os pennir mwy nag un wythnos ostyngiad drwy gyfeirio at baragraffau (a) a (b) o'r diffiniad hwn, y ddiweddaraf neu'r ddiweddarach o'r cyfryw wythnosau gostyngiad neu, yn ôl fel y digwydd, y ddiweddaraf neu'r ddiweddarach o'r cyfryw ran-wythnosau, yw'r wythnos berthnasol;

ystyr “wythnos ddilynol berthnasol” (“*relevant subsequent week*”) yw'r wythnos ostyngiad neu'r rhan-wythnos sy'n cynnwys y diwrnod pan wnaed y cais pellach, neu, os gwnaed mwy nag un cais pellach, pan wnaed y cais olaf o'r fath.

Rheol lleihau cyfalaf tybiannol: personau nad ydynt yn bensiynwyr

66.—(1) Pan drinnir ceisydd nad yw'n bensiynwr fel pe bai'n meddu cyfalaf o dan baragraff 64(1) (cyfalaf tybiannol), rhaid lleihau'r swm y trinnir y ceisydd fel pe bai'n ei feddu—

- (a) yn achos wythnos sy'n dilyn—
 - (i) yr wythnos berthnasol y bodlonir mewn perthynas â hi yr amodau a bennir yn is-baragraff (2); neu
 - (ii) yr wythnos sy'n dilyn yr wythnos berthnasol honno ac yn bodloni'r amodau hynny,

o swm sydd i'w benderfynu o dan is-baragraff (3);

- (b) yn achos wythnos nad yw is-baragraff (1)(a) yn gymwys iddi, ond pan fo—
 - (i) yr wythnos honno'n wythnos sy'n dilyn yr wythnos berthnasol; a
 - (ii) yr wythnos berthnasol honno'n wythnos y bodlonir ynddi'r amod yn is-baragraff (4),

o swm sydd i'w benderfynu o dan is-baragraff (5).

(2) Mae'r is-baragraff hwn yn gymwys i wythnos ostyngiad (neu, yn achos personau nad ydynt yn bensiynwyr, rhan-wythnos) pan fo'r ceisydd yn bodloni'r amodau canlynol—

capital in question of which the applicant has deprived himself or herself within the meaning of paragraph 64(1)—

- (a) was first taken into account for the purpose of determining the applicant's entitlement to a reduction; or
- (b) was taken into account on a subsequent occasion for the purpose of determining or re-determining the applicant's entitlement to a reduction on that subsequent occasion and that determination or redetermination resulted in the applicant beginning to receive, or ceasing to receive, a reduction;

and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;

“relevant subsequent week” (“*wythnos ddilynol berthnasol*”) means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

Diminishing notional capital rule: persons who are not pensioners

66.—(1) Where an applicant who is not a pensioner is treated as possessing capital under paragraph 64(1) (notional capital), the amount which the applicant is treated as possessing—

- (a) in the case of a week that is subsequent to—
 - (i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions,

is to be reduced by an amount determined under sub-paragraph (3);

- (b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—
 - (i) that week is a week subsequent to the relevant week; and
 - (ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied,

is to be reduced by the amount determined under sub-paragraph (5).

(2) This sub-paragraph applies to a reduction week (or, in the case of persons who are not pensioners, part-week) where the applicant satisfies the conditions that—

- (a) bod y ceisydd yn cael gostyngiad yn y dreth gyngor o dan y cynllun hwn; a
- (b) oni bai am baragraff 64(1), byddai'r ceisydd wedi cael gostyngiad mwy yn y dreth gyngor o dan y cynllun hwn yn yr wythnos honno.

(3) Mewn achos y mae is-baragraff (2) yn gymwys iddo, rhaid i'r gostyngiad yn swm y cyfalaf y trinnir y ceisydd fel pe bai'n ei feddu at ddibenion is-baragraff (1)(a) fod yn hafal i swm cyfanredol y canlynol—

- (a) swm sy'n hafal i'r swm ychwanegol o ostyngiad yn y dreth gyngor, y cyfeirir ato yn is-baragraff (2)(b);
- (b) os yw'r ceisydd wedi hawlio budd-dal tai yn ogystal, swm unrhyw fudd-dal tai neu unrhyw swm ychwanegol o'r budd-dal hwnnw y byddai'r ceisydd wedi bod â hawl i'w gael mewn perthynas â'r cyfan neu ran o'r wythnos ostyngiad y cyfeirir ati yn is-baragraff (2) pe na fyddid wedi cymhwyso rheoliad 49(1) o Reoliadau Budd-dal Tai 2006(1) (cyfalaf tybiannol);
- (c) os yw'r ceisydd wedi hawlio cymhorthdal incwm yn ogystal, swm y cymhorthdal incwm y byddai hawl wedi bod gan y ceisydd i'w gael mewn perthynas â'r cyfan neu ran o'r wythnos ostyngiad y cyfeirir ati yn is-baragraff (2) pe na fyddid wedi cymhwyso rheoliad 51(1) o Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987 (cyfalaf tybiannol);
- (d) os yw'r ceisydd wedi hawlio lwfans ceisio gwaith yn ogystal, swm unrhyw lwfans ceisio gwaith ar sail incwm y byddai'r ceisydd wedi bod â hawl i'w gael mewn perthynas â'r cyfan neu ran o'r wythnos ostyngiad y cyfeirir ati yn is-baragraff (2) pe na fyddid wedi cymhwyso rheoliad 113 o Reoliadau Lwfans Ceisio Gwaith 1996(2) (cyfalaf tybiannol); ac
- (e) os yw'r ceisydd wedi hawlio lwfans cyflogaeth a chymorth lwfans swm unrhyw lwfans cyflogaeth a chymorth ar sail incwm y byddai'r ceisydd wedi bod â hawl i'w gael mewn perthynas â'r cyfan neu ran o'r wythnos ostyngiad y cyfeirir ati yn is-baragraff (2) pe na fyddid wedi cymhwyso rheoliad 115 o Reoliadau Lwfans Cyflogaeth a Chymorth 2008(3) (cyfalaf tybiannol).

- (a) the applicant is in receipt of a reduction in council tax under this scheme; and
- (b) but for paragraph 64(1), the applicant would have received a greater reduction in council tax under this scheme in that week.

(3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital the applicant is treated as possessing for the purposes of sub-paragraph (1)(a) is equal to the aggregate of—

- (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;
- (b) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which the applicant would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006(1) (notional capital);
- (c) where the applicant has also claimed income support, the amount of income support to which the applicant would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 51(1) of the Income Support (General) Regulations 1987 (notional capital);
- (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which the applicant would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996(2) (notional capital); and
- (e) where the applicant has also claimed an employment and support allowance, the amount of an income related employment and support allowance to which the applicant would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008(3) (notional capital).

(1) O.S. 2006/213.
 (2) O.S. 1996/207.
 (3) O.S. 2008/794.

(1) S.I. 2006/213.
 (2) S.I. 1996/207.
 (3) S.I. 2008/794.

(4) Yn ddarostyngedig i is-baragraff (7), at ddibenion is-baragraff (1)(b) yr amod yw nad yw'r ceisydd yn bensiynwr ac y byddai hawl ganddo i gael gostyngiad yn y dreth gyngor yn yr wythnos berthnasol oni bai am baragraff 64(1).

(5) Mewn achos o'r fath, rhaid i swm y gostyngiad yn swm y cyfalaf y trinnir y ceisydd fel pe bai'n ei feddu fod yn hafal i swm cyfanredol y canlynol—

- (a) swm y budd-dal treth gyngor y byddai hawl gan y ceisydd i'w gael yn yr wythnos berthnasol oni bai am baragraff 64(1);
- (b) os byddai hawl wedi bod gan y ceisydd, oni bai am reoliad 49(1) o Reoliadau Budd-dal Tai 2006, i gael budd-dal tai neu swm ychwanegol o fudd-dal tai mewn perthynas â'r wythnos fudd-dal, sy'n cynnwys diwrnod olaf yr wythnos berthnasol, y swm sy'n hafal i—
 - (i) mewn achos pan nad oes budd-dal tai yn daladwy, y swm y byddai hawl wedi bod gan y ceisydd i'w gael; neu
 - (ii) mewn unrhyw achos arall, y swm sy'n hafal i'r swm ychwanegol o fudd-dal tai y byddai hawl wedi bod gan y ceisydd i'w gael;
- (c) os byddai hawl wedi bod gan y ceisydd, oni bai am reoliad 51(1) o Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987, i gael cymhorthdal incwm mewn perthynas â'r wythnos fudd-dal, yn yr ystyr a roddir i "benefit week" gan reoliad 2(1) o'r Rheoliadau hynny (dehongli), sy'n cynnwys diwrnod olaf yr wythnos berthnasol, y swm y byddai hawl wedi bod gan y ceisydd i'w gael;
- (d) os byddai hawl wedi bod gan y ceisydd, oni bai am reoliad 113 o Reoliadau Lwfans Ceisio Gwaith 1996, i gael lwfans ceisio gwaith ar sail incwm mewn perthynas â'r wythnos fudd-dal, o fewn yr ystyr a roddir i "benefit week" yn rheoliad 1(3) o'r Rheoliadau hynny (dehongli), sy'n cynnwys diwrnod olaf yr wythnos berthnasol, y swm y byddai hawl wedi bod gan y ceisydd i'w gael; ac
- (e) os byddai hawl wedi bod gan y ceisydd, oni bai am reoliad 115 o Reoliadau Lwfans Cyflogaeth a Chymorth 2008, i gael lwfans cyflogaeth a chymorth ar sail incwm mewn perthynas â'r wythnos fudd-dal, o fewn yr ystyr a roddir i "benefit week" yn rheoliad 2(1) o'r Rheoliadau hynny (dehongli), sy'n cynnwys diwrnod olaf yr wythnos berthnasol, y swm y byddai hawl wedi bod gan y ceisydd i'w gael.

(4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is not a pensioner and would have been entitled to a reduction in council tax in the relevant week but for paragraph 64(1).

(5) In such a case the amount of the reduction in the amount of capital the applicant is treated as possessing must be equal to the aggregate of—

- (a) the amount of council tax benefit to which the applicant would have been entitled in the relevant week but for paragraph 64(1);
- (b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to—
 - (i) in a case where no housing benefit is payable, the amount to which the applicant would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which the applicant would have been entitled;
- (c) if the applicant would, but for regulation 51(1) of the Income Support (General) Regulations 1987, have been entitled to income support in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which the applicant would have been entitled;
- (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which the applicant would have been entitled; and
- (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which the applicant would have been entitled.

(6) Ond os yw'r swm a grybwyllir ym mharagraff (a), (b), (c), (d) neu (e) o is-baragraff (5) ("y swm perthnasol") mewn perthynas â rhan-wythnos, rhaid penderfynu'r swm sydd i'w gymryd i ystyriaeth o dan y paragraff hwnnw drwy—

- (a) rhannu'r swm perthnasol gyda'r rhif sy'n hafal i nifer y diwrnodau yn y rhan-wythnos honno, a
- (b) lluosu canlyniad y cyfrifiad hwnnw gyda 7.

(7) Rhaid ailbenderfynu'r swm a benderfynwyd o dan is-baragraff (5), o dan yr is-baragraff priodol, os yw'r ceisydd yn gwneud cais pellach am ostyngiad yn y dreth gyngor ac os yw'r amodau yn is-baragraff (8) wedi eu bodloni, ac mewn achos o'r fath—

- (a) mae paragraffau (a) i (e) o is-baragraff (5) yn gymwys fel pe rhoddid y geiriau "wythnos ddilynol berthnasol" yn lle'r geiriau "wythnos berthnasol"; a
- (b) yn ddarostyngedig i is-baragraff (9), mae'r swm fel y'i hail benderfynwyd yn cael effaith o'r wythnos gyntaf sy'n dilyn yr wythnos ddilynol berthnasol sydd dan sylw.

(8) Yr amodau yw—

- (a) y gwneir cais pellach 26 neu ragor o wythnosau ar ôl—
 - (i) y dyddiad y gwnaeth y ceisydd y cais am ostyngiad yn y dreth gyngor, y triniwyd y ceisydd gyntaf mewn perthynas ag ef, fel pe bai'n meddu'r cyfalaf dan sylw o dan baragraff 64(1);
 - (ii) mewn achos pan wnaed o leiaf un ailbenderfyniad yn unol ag is-baragraff (7), y dyddiad y gwnaeth y ceisydd gais ddiwethaf am ostyngiad yn y dreth gyngor a arweiniodd at ailbenderfynu'r swm wythnosol, neu
 - (iii) y dyddiad y peidiodd ddiwethaf hawl y ceisydd i gael gostyngiad yn y dreth gyngor,

pa un bynnag ddiwyddodd ddiwethaf; a

- (b) byddai hawl wedi bod gan y ceisydd i gael gostyngiad o'r dreth gyngor o dan y cynllun hwn, oni bai am baragraff 64(1).

(9) Rhaid i'r swm a ailbenderfynir yn unol ag is-baragraff (7) beidio â chael effaith os yw'n llai na'r swm a oedd yn gymwys yn yr achos hwnnw yn union cyn yr ailbenderfyniad; ac mewn achos o'r fath rhaid i'r swm uchaf barhau i gael effaith.

(10) At ddibenion y paragraff hwn—

ystyr "rhan-wythnos" ("part-week")—

- (a) mewn perthynas â swm a grybwyllir yn is-baragraff (5)(a), yw cyfnod sy'n llai nag

(6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—

- (a) dividing the relevant amount by the number equal to the number of days in that part-week; and
- (b) multiplying the result of that calculation by 7.

(7) The amount determined under sub-paragraph (5) is to be re-determined under the appropriate sub-paragraph if the applicant makes a further application for a reduction in council tax and the conditions in sub-paragraph (8) are satisfied, and in such a case—

- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words "relevant week" there were substituted the words "relevant subsequent week"; and
- (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.

(8) The conditions are that—

- (a) a further application is made 26 or more weeks after—
 - (i) the date on which the applicant made an application for a reduction in council tax in respect of which the applicant was first treated as possessing the capital in question under paragraph 64(1);
 - (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (7), the date on which the applicant last made an application for a reduction in council tax which resulted in the weekly amount being re-determined; or
 - (iii) the date on which the applicant last ceased to be entitled to a reduction in council tax,

whichever last occurred; and

- (b) the applicant would have been entitled to a reduction in council tax under this scheme but for paragraph 64(1).

(9) The amount as re-determined pursuant to sub-paragraph (7) must not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.

(10) For the purposes of this paragraph—

"part-week" ("rhan-wythnos")—

- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than

wythnos ac y caniateir gostyngiad o'r dreth gyngor ar ei gyfer o dan y cynllun hwn;

- (b) mewn perthynas â swm a grybwyllir yn is-baragraff (5)(b), yw cyfnod sy'n llai nag wythnos ac y mae budd-dal tai yn daladwy ar ei gyfer;
- (c) mewn perthynas â swm a grybwyllir yn is-baragraff (5)(c), (d) neu (e) yw—
 - (i) cyfnod o lai ag wythnos, sydd y cyfan o'r cyfnod y mae cymhorthdal incwm, lwfans cyflogaeth a chymorth ar sail incwm, neu, yn ôl fel y digwydd, lwfans ceisio gwaith ar sail incwm, yn daladwy ar ei gyfer; a
 - (ii) unrhyw gyfnod arall o lai nag wythnos y mae'n daladwy ar ei gyfer;

ystyr "wythnos berthnasol" ("*relevant week*") yw'r wythnos ostyngiad neu'r rhan-wythnos pan gymerwyd i ystyriaeth y cyfalaf dan sylw, yr amddifadodd y ceisydd ei hunan ohono o fewn ystyr paragraff 64(1)—

- (a) am y tro cyntaf, at y diben o benderfynu hawlogaeth y ceisydd i ostyngiad; neu
- (b) ar achlysur dilynol at y diben o benderfynu neu ailbenderfynu hawlogaeth y ceisydd i ostyngiad ar yr achlysur dilynol hwnnw, a phan barodd y penderfyniad neu'r ailbenderfyniad hwnnw fod y ceisydd naill ai'n dechrau cael neu'n peidio â chael gostyngiad,

ac os pennir mwy nag un wythnos ostyngiad drwy gyfeirio at baragraffau (a) a (b) o'r diffiniad hwn, y ddiweddaraf neu'r ddiweddarach o'r cyfryw wythnosau gostyngiad neu, yn ôl fel y digwydd, y ddiweddaraf neu'r ddiweddarach o'r cyfryw ran-wythnosau, yw'r wythnos berthnasol;

ystyr "wythnos ddilynol berthnasol" ("*relevant subsequent week*") yw'r wythnos ostyngiad neu'r rhan-wythnos sy'n cynnwys y diwrnod pan wnaed y cais pellach, neu, os gwnaed mwy nag un cais pellach, pan wnaed y cais olaf o'r fath.

Cyfalaf a ddelir ar y cyd

67. Ac eithrio pan fo ceisydd yn meddu cyfalaf a ddiystyrir o dan baragraff 64(7) (cyfalaf tybiannol), os oes gan y ceisydd, ac un neu ragor o bersonau eraill, hawl fuddiannol mewn meddiant unrhyw ased cyfalaf, rhaid eu trin, yn absenoldeb tystiolaeth i'r gwrthwyneb, fel pe bai gan bob un ohonynt, mewn cyfrannau cyfartal, hawl mewn meddiant o'r holl fuddiant llesiannol yn yr ased ac mae darpariaethau blaenorol y Bennod hon yn gymwys at y diben o gyfrifo swm y

a week for which a reduction in council tax under this scheme is allowed;

- (b) in relation to an amount mentioned in subparagraph (5)(b), means a period of less than a week for which housing benefit is payable;
- (c) in relation to an amount mentioned in subparagraph (5)(c), (d) or (e), means—
 - (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
 - (ii) any other period of less than a week for which it is payable;

"relevant week" ("*wythnos berthnasol*") means the reduction week or part-week in which the capital in question of which the applicant has deprived himself or herself within the meaning of paragraph 64(1)—

- (a) was first taken into account for the purpose of determining the applicant's entitlement to a reduction; or
- (b) was taken into account on a subsequent occasion for the purpose of determining or re-determining the applicant's entitlement to a reduction on that subsequent occasion and that determination or redetermination resulted in the applicant beginning to receive, or ceasing to receive, a reduction,

and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;

"relevant subsequent week" ("*wythnos ddilynol berthnasol*") means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

Capital jointly held

67. Except where an applicant possesses capital which is disregarded under paragraph 64(7) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Chapter apply for the purposes of calculating the amount of capital which the applicant is treated as

cyfalaf y trinnir y ceisydd fel pe bai'n ei feddu, fel pe bai'n gyfalaf gwirioneddol a feddir gan y ceisydd.

Cyfrifo incwm tariff o gyfalaf: pensïynwyr

68. Rhaid trin cyfalaf ceisydd sy'n bensiynwr, a gyfrifwyd yn unol â'r Rhan hon, fel pe bai'n incwm wythnosol(1) o—

- (a) £1 am bob £500 uwchlaw £10,000 ond nid uwchlaw £16,000; a
- (b) £1 am unrhyw swm dros ben nad yw'n £500 cyflawn.

Cyfrifo incwm tariff o gyfalaf: personau nad ydynt yn bensiynwyr

69. Rhaid trin cyfalaf ceisydd nad yw'n bensiynwr, a gyfrifwyd yn unol â'r Rhan hon, fel pe bai'n incwm wythnosol(2) o—

- (a) £1 am bob £250 cyflawn uwchlaw £6,000 ond nid uwchlaw £16,000; a
- (b) £1 am unrhyw swm dros ben nad yw'n £250 cyflawn.

RHAN 10

Myfyrwyr

PENNOD 1

Cyffredinol

Dehongli

70.—(1) Yn y Rhan hon—

ystyr “blwyddyn academiaidd” (“*academic year*”) yw'r cyfnod o ddeuddeng mis sy'n cychwyn ar 1 Ionawr, 1 Ebrill, 1 Gorffennaf neu 1 Medi, yn ôl pa un a yw'r cwrs dan sylw'n cychwyn yn y gaeaf, y gwanwyn, yr haf ynteu'r hydref, yn eu trefn; ond os gwneir yn ofynnol bod myfyrwyr yn dechrau mynychu eu cwrs yn Awst neu Fedi a pharhau i'w fynychu drwy gydol yr hydref, ystyrir bod blwyddyn academiaidd y cwrs hwnnw'n cychwyn yn yr hydref yn hytrach na'r haf;

ystyr “cronfeydd mynediad” (“*access funds*”) yw—

- (a) grantiau a roddir o dan adran 68 o Ddeddf Addysg Bellach ac Uwch 1992(1) at y diben

possessing as if it were actual capital which the applicant does possess.

Calculation of tariff income from capital: pensioners

68. The capital of an applicant who is a pensioner, calculated in accordance with this Part, is to be treated as if it were a weekly income(1) of—

- (a) £1 for each £500 in excess of £10,000 but not exceeding £16,000; and
- (b) £1 for any excess which is not a complete £500.

Calculation of tariff income from capital: persons who are not pensioners

69. The capital of an applicant who is not a pensioner, calculated in accordance with this Part, is to be treated as if it were a weekly income(2) of—

- (a) £1 for each complete £250 in excess of £6,000 but not exceeding £16,000;
- (b) £1 for any excess which is not a complete £250.

PART 10

Students

CHAPTER 1

General

Interpretation

70.—(1) In this Part—

“academic year” (“*blwyddyn academiaidd*”) means the period of twelve months beginning on 1 January, 1 April, 1 July or 1 September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course is to be considered to begin in the autumn rather than the summer;

“access funds” (“*cronfeydd mynediad*”) means—

- (a) grants made under section 68 of the Further and Higher Education Act 1992(1) for the

(1) Cymerir incwm o gyfalaf i ystyriaeth wrth gyfrifo incwm ceisydd sy'n bensiynwr, gweler paragraff 36(1)(i).

(2) Cymerir incwm o gyfalaf i ystyriaeth wrth gyfrifo incwm ceisydd sy'n bensiynwr, gweler paragraff 54(1)(b)(ii).

(1) Income from capital is taken into account in calculating the income of an applicant who is a pensioner, see paragraph 36(1)(i).

(2) Income from capital is taken into account in calculating the income of an applicant who is not a pensioner, see paragraph 54(1)(b)(ii).

o ddarparu cyllid i'w dalu ar sail ddisgresiynol i fyfyrwyr;

- (b) grantiau a roddir o dan adrannau 73(a) ac (c) a 74(1) o Ddeddf Addysg (Yr Alban) 1980(2);
- (c) grantiau a roddir o dan erthygl 30 o Orchymyn Addysg a Llyfrgelloedd (Gogledd Iwerddon) 1993(3) neu grantiau, benthyciadau neu daliadau eraill a wneir o dan erthygl 5 o Orchymyn Addysg Bellach (Gogledd Iwerddon) 1997(4) sef, ym mhob achos, grantiau, neu grantiau, benthyciadau neu daliadau eraill, yn ôl fel y digwydd, at y diben o gynorthwyo myfyrwyr sydd mewn anawsterau ariannol;
- (d) taliadau disgresiynol a elwir "cronfeydd cymorth i ddysgwyr", a roddir ar gael i fyfyrwyr addysg bellach gan sefydliadau, allan o gyllid a ddarperir gan yr Ysgrifennydd Gwladol o ran Lloegr neu Weinidogion Cymru o ran Cymru o dan adran 14 o Ddeddf Addysg 2002(5) neu Brif Weithredwr Ariannu Sgiliau o dan adrannau 100 a 101 o Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009(6); neu
- (e) Cronfeydd Ariannol Wrth Gefn a roddir ar gael gan Weinidogion Cymru;

mae i "coleg addysg bellach" yr ystyr a roddir i "college of further education" gan Ran 1 o Ddeddf Addysg Bellach ac Uwch (Yr Alban) 1992(7);

ystyr "cyfraniad" ("contribution") yw—

- (a) unrhyw gyfraniad mewn perthynas ag incwm myfyriwr neu unrhyw berson y mae'r Ysgrifennydd Gwladol, Gweinidogion Cymru, Gweinidogion yr Alban neu awdurdod addysg yn ei gymryd i ystyriaeth wrth ganfod swm grant myfyriwr neu fenthyciad myfyriwr; neu
- (b) unrhyw symiau, a gymerir i ystyriaeth gan Weinidogion yr Alban neu awdurdod addysg wrth benderfynu swm lwfans neu fwsari myfyriwr yn yr Alban o dan Ddeddf Addysg (Yr Alban) 1980, sef symiau y mae Gweinidogion yr Alban neu awdurdod addysg o'r farn y byddai'n rhesymol i'r personau canlynol eu cyfrannu tuag at dreuliau'r deiliad—

purpose of providing funds on a discretionary basis to be paid to students;

- (b) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980(2);
- (c) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993(3) or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997(4) in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- (d) discretionary payments, known as "learner support funds", which are made available to students in further education by institutions out of funds provided by the Secretary of State in relation to England or the Welsh Ministers in relation to Wales under section 14 of the Education Act 2002(5) or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009(6); or
- (e) Financial Contingency Funds made available by the Welsh Ministers;

"college of further education" ("*coleg addysg bellach*") means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992(7);

"contribution" ("*cyfraniad*") means—

- (a) any contribution in respect of the income of a student or any person which the Secretary of State, the Welsh Ministers, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student's grant or student loan; or
- (b) any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority considers that it is reasonable for the following persons to contribute towards the holder's expenses—

(1) 1992 p.13.
(2) 1980 p.20.
(3) O.S. 1993/2810.
(4) O.S. 1997/1772.
(5) 2002 p.32.
(6) 2009 p.22.
(7) 1992 p.37.

(1) 1992 c.13.
(2) 1980 c.20.
(3) S.I. 1993/2810.
(4) S.I. 1997/1772.
(5) 2002 c.32.
(6) 2009 c.22.
(7) 1992 c.37.

- (i) deiliad y lwfans neu fwrsari;
- (ii) rhieni'r deiliad;
- (iii) priod neu bartner sifil rhiant y deiliad, neu berson sydd fel arfer yn byw gyda rhiant y deiliad fel pe bai'r person hwnnw'n briod neu'n bartner sifil y rhiant hwnnw; neu
- (iv) priod neu bartner sifil y deiliad;

ystyr "cwrs astudio" ("*course of study*") yw unrhyw gwrs astudio, boed yn gwrs rhyngosod ai peidio a pha un a roddir grant am fynychu neu ymgymryd â'r cwrs ai peidio;

ystyr "incwm cyfamod" ("*covenant income*") yw'r incwm gros sy'n daladwy i fyfyrwr amser llawn o dan Weithred Cyfamod gan riant y myfyrwr hwnnw;

ystyr "awdurdod addysg" ("*education authority*") yw adran llywodraeth, awdurdod lleol yn yr ystyr a roddir i "local authority" fel y'i diffinnir gan adran 579 o Ddeddf Addysg 1996(1) (dehongli), awdurdod addysg lleol yn yr ystyr a roddir i "local education authority" fel y'i diffinnir gan adran 123 o Ddeddf Llywodraeth Leol (Yr Alban) 1973(2), bwrdd addysg a llyfrgelloedd yn yr ystyr a roddir i "education and library board" a sefydlwyd o dan Erthygl 3 o Orchymyn Addysg a Llyfrgelloedd (Gogledd Iwerddon) 1986(3), unrhyw gorff sy'n gyngor ymchwil yn yr ystyr a roddir i "research council" at ddibenion Deddf Gwyddoniaeth a Thechnoleg 1965(4) neu unrhyw adran llywodraeth, awdurdod, bwrdd neu gorff cyfatebol o Ynysoedd y Sianel, Ynys Manaw neu unrhyw wlad arall y tu allan i Brydain Fawr;

ystyr "cwrs astudio amser llawn" ("*full-time course of study*") yw cwrs astudio amser llawn—

- (a) nas cyllidir yn gyfan gwbl nac yn rhannol gan yr Ysgrifennydd Gwladol o ran Lloegr neu Weinidogion Cymru o ran Cymru o dan adran 14 o Ddeddf Addysg 2002 neu Brif Weithredwr Ariannu Sgiliau, neu gwrs astudio amser llawn nas cyllidir yn gyfan gwbl nac yn rhannol gan Weinidogion yr Alban mewn coleg addysg bellach, neu gwrs astudio amser llawn sy'n gwrs o addysg uwch ac a gyllidir yn gyfan gwbl neu'n rhannol gan Weinidogion yr Alban;

- (i) the holder of the allowance or bursary;
- (ii) the holder's parents;
- (iii) the holder's parent's spouse, civil partner or a person ordinarily living with the holder's parent as if that person were the spouse or civil partner of that parent; or
- (iv) the holder's spouse or civil partner;

"course of study" ("*course of study*") means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it;

"covenant income" ("*covenant income*") means the gross income payable to a full-time student under a Deed of Covenant by that student's parent;

"education authority" ("*education authority*") means a government department, a local authority as defined in section 579 of the Education Act 1996(1) (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973(2), an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986(3), any body which is a research council for the purposes of the Science and Technology Act 1965(4) or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Great Britain;

"full-time course of study" ("*full-time course of study*") means a full-time course of study which—

- (a) is not funded in whole or in part by the Secretary of State in relation to England or the Welsh Ministers in relation to Wales under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;

(1) 1996 p.56.
 (2) 1973 p.65.
 (3) O.S. 1986/594 (G.I. 3).
 (4) 1965 p.4.

(1) 1996 c.56.
 (2) 1973 c.65.
 (3) S.I. 1986/594 (N.I. 3).
 (4) 1965 c.4.

(b) a gyllidir yn gyfan gwbl neu'n rhannol gan yr Ysgrifennydd Gwladol o ran Lloegr neu Weinidogion Cymru o ran Cymru o dan adran 14 o Ddeddf Addysg 2002 neu Brif Weithredwr Ariannu Sgiliau os yw'n cynnwys mwy nag 16 o oriau dysgu dan arweiniad bob wythnos i'r myfyriwr dan sylw, yn ôl y nifer o oriau dysgu dan arweiniad bob wythnos ar gyfer y myfyriwr hwnnw a bennir—

(i) yn achos cwrs a gyllidir gan yr Ysgrifennydd Gwladol o dan adran 14 o Ddeddf Addysg 2002 neu Brif Weithredwr Ariannu Sgiliau, yng nghytundeb dysgu'r myfyriwr hwnnw a lofnodwyd ar ran y sefydliad a gyllidir gan y naill neu'r llall o'r personau hynny i gyflenwi'r cwrs hwnnw; neu

(ii) yn achos cwrs a gyllidir gan Weinidogion Cymru, mewn dogfen a lofnodir ar ran y sefydliad a gyllidir gan Weinidogion Cymru i gyflenwi'r cwrs hwnnw; neu

(c) nad yw'n addysg uwch, a gyllidir yn gyfan gwbl neu'n rhannol gan Weinidogion yr Alban mewn coleg addysg bellach, ac sy'n cynnwys—

(i) mwy nag 16 awr yr wythnos o ddysgu rhaglunedig mewn ystafell ddosbarth neu ar ffurf gweithdai o dan arweiniad uniongyrchol staff addysgu, yn unol â'r nifer o oriau a bennir mewn dogfen a lofnodir ar ran y coleg; neu

(ii) 16 awr neu lai bob wythnos o ddysgu rhaglunedig mewn ystafell ddosbarth neu ar ffurf gweithdai o dan arweiniad uniongyrchol staff addysgu, ac oriau ychwanegol o ddefnyddio pecynnau dysgu strwythuredig gyda chymorth gan y staff addysgu, a'r cyfanswm oriau yn fwy nag 21 awr yr wythnos ac yn unol â'r nifer o oriau a bennir mewn dogfen a lofnodir ar ran y coleg;

ystyr "myfyriwr amser llawn" ("*full-time student*") yw person sy'n mynychu neu'n ymgymryd â chwrs astudio amser llawn, ac mae'n cynnwys myfyriwr ar gwrs rhyngosod;

ystyr "grant" ("*grant*") (ac eithrio yn y diffiniad o "cronfeydd mynediad") yw unrhyw fath o grant neu ddyfarniad addysgol, gan gynnwys unrhyw ysgoloriaeth, ysgoloriaeth ymchwil, arddangostal, lwfans neu fwrsari, ond nid yw'n cynnwys taliad o gronfeydd mynediad nac unrhyw daliad y mae paragraff 16 o Atodlen 7 neu baragraff 53 o Atodlen 9 (lwfansau a thaliadau ar gyfer cyrsiau astudio) yn gynnwys iddo;

(b) is funded in whole or in part by the Secretary of State in relation to England or the Welsh Ministers in relation to Wales under section 14 of the Education Act 2012 or the Chief Executive of Skills Funding if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—

(i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student's learning agreement signed on behalf of the establishment which is funded by either of those bodies for the delivery of that course; or

(ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by the Welsh Ministers for the delivery of that course; or

(c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—

(i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or

(ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

"full-time student" ("*myfyriwr amser llawn*") means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

"grant" ("*grant*") (except in the definition of "access funds") means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds or any payment to which paragraph 16 of Schedule 7 or paragraph 53 of Schedule 9 (allowances and payments for courses of study) applies;

ystyr “incwm grant” (“*grant income*”) yw—

- (a) unrhyw incwm ar ffurf grant;
- (b) unrhyw gyfraniad, pa un a delir y cyfraniad ai peidio;

mae i “addysg uwch” yr ystyr a roddir i “higher education” gan Ran 2 o Ddeddf Addysg Bellach ac Uwch (Yr Alban) 1992;

ystyr “diwrnod olaf y cwrs” (“*last day of the course*”) yw—

- (a) yn achos cwrs cymwys, yw naill ai dyddiad diwrnod olaf y cwrs neu’r dyddiad y cwblheir yr arholiad terfynol mewn perthynas â’r cwrs hwnnw, pa un bynnag yw’r diweddaraf;
- (b) mewn unrhyw achos arall, dyddiad diwrnod olaf tymor academaidd terfynol y cwrs y cofrestrwyd y myfyriwr arno;

ystyr “cyfnod astudio” (“*period of study*”) yw—

- (a) yn achos cwrs astudio am un flwyddyn neu lai, y cyfnod sy’n cychwyn gyda dechrau’r cwrs ac yn diweddu gyda diwrnod olaf y cwrs;
- (b) yn achos cwrs astudio am fwy nag un flwyddyn, yn y flwyddyn gyntaf neu, yn ôl fel y digwydd, unrhyw flwyddyn ddilynol y cwrs ac eithrio blwyddyn derfynol y cwrs, y cyfnod sy’n cychwyn gyda dechrau’r cwrs neu, yn ôl fel y digwydd, dechrau’r flwyddyn honno ac yn diweddu gyda naill ai—
 - (i) y diwrnod cyn dechrau blwyddyn nesaf y cwrs mewn achos pan asesir grant neu fenthyciad y myfyriwr ar gyfradd sy’n briodol i fyfyriwr yn astudio drwy gydol y flwyddyn, neu, os nad oes gan y myfyriwr grant neu fenthyciad, pan fyddid wedi asesu benthyciad ar gyfradd o’r fath pe bai gan y myfyriwr hwnnw fenthyciad; neu
 - (ii) mewn unrhyw achos arall, y diwrnod cyn dechrau’r gwyliau haf arferol sy’n briodol i gwrs y myfyriwr;
- (c) ym mlwyddyn derfynol cwrs astudio o fwy nag un flwyddyn, y cyfnod sy’n cychwyn gyda dechrau’r flwyddyn honno ac yn diweddu gyda diwrnod olaf y cwrs;

ystyr “cyfnodau o brofiad” (“*periods of experience*”) yw cyfnodau o brofiad gwaith sy’n ffurfio rhan o gwrs rhyngosod;

“grant income” (“*incwm grant*”) means—

- (a) any income by way of a grant;
- (b) any contribution whether or not it is paid;

“higher education” (“*addysg uwch*”) means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992;

“last day of the course” (“*diwrnod olaf y cwrs*”) means—

- (a) in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is the later;
- (b) in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

“period of study” (“*cyfnod astudio*”) means—

- (a) in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- (b) in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, that year’s start and ending with either—
 - (i) the day before the start of the next year of the course in a case where the student’s grant or loan is assessed at a rate appropriate to the student’s studying throughout the year or, if the student does not have a grant or loan, where a loan would have been assessed at such a rate had the student had one; or
 - (ii) in any other case, the day before the start of the normal summer vacation appropriate to the student’s course;
- (c) in the final year of a course of study of more than one year, the period beginning with that year’s start and ending with the last day of the course;

“periods of experience” (“*cyfnodau o brofiad*”) means periods of work experience which form part of a sandwich course;

mae i “cwrs cymwys” yr ystyr a roddir i “qualifying course” fel y’i diffinnir at ddibenion Rhannau 2 a 4 o Reoliadau Lwfans Ceisio Gwaith 1996(1);

mae i “cwrs rhyngosod” yr ystyr a ragnodir ar gyfer “sandwich course” yn rheoliad 2(10) o Reoliadau Addysg (Cymorth i Fyfywrwyr) 2011(2), rheoliad 2(6) o Reoliadau Addysg (Cymorth i Fyfywrwyr) (Cymru) 2012(3), rheoliad 4(2) o Reoliadau Addysg (Benthyciadau Myfyriwr) (Yr Alban) 2007(4) neu reoliad 2(10) o Reoliadau Addysg (Cymorth i Fyfywrwyr) (Rhif 2) (Gogledd Iwerddon) 2009(5), yn ôl fel y digwydd;

ystyr “grant cynhaliath safonol” (“*standard maintenance grant*”) yw—

- (a) ac eithrio pan fo paragraff (b) neu (c) yn gymwys, yn achos myfyriwr sy’n mynychu neu’n ymgymryd â chwrs astudio ym Mhrifysgol Llundain neu sefydliad o fewn yr ardal a gyfansoddir o Ddinas Llundain a’r Dosbarth Heddlu Metropolitan, y swm a bennir am y tro ym mharagraff 2(2)(a) o Atodlen 2 i Reoliadau Addysg (Dyfarniadau Gorfodol) 2003(6) (“Rheoliadau 2003”) ar gyfer myfyriwr o’r fath;
- (b) ac eithrio pan fo paragraff (c) yn gymwys, yn achos myfyriwr sy’n preswyllo yng nghartref rhiant y myfyriwr hwnnw, y swm a bennir ym mharagraff 3 o Atodlen 2 i Reoliadau 2003;
- (c) yn achos myfyriwr sy’n cael lwfans neu fwrsari o dan Ddeddf Addysg (Yr Alban) 1980, y swm o arian a bennir fel y “standard maintenance allowance” am y flwyddyn berthnasol briodol i’r myfyriwr a bennir yn y *Student Support in Scotland Guide* a ddyroddir gan Asiantaeth Dyfarniadau Myfyriwr yr Alban, neu’r hyn sy’n cyfateb agosaf yn achos bwrsari a ddarperir gan goleg addysg bellach neu awdurdod addysg lleol;
- (d) mewn unrhyw achos arall, y swm a bennir ym mharagraff 2(2) o Atodlen 2 i Reoliadau 2003 ac eithrio’r symiau a bennir yn is-baragraff (2)(a) neu (b) o’r paragraff hwnnw;

“qualifying course” (“*cwrs cymwys*”) means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker’s Allowance Regulations 1996(1);

“sandwich course” (“*cwrs rhyngosod*”) has the meaning prescribed in regulation 2(10) of the Education (Student Support) Regulations 2011(2), regulation 2(6) of the Education (Student Support) (Wales) Regulations 2012(3), regulation 4(2) of the Education (Student Loans) (Scotland) Regulations 2007(4), or regulation 2(10) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009(5), as the case may be;

“standard maintenance grant” (“*grant cynhaliath safonol*”) means—

- (a) except where paragraph (b) or (c) applies, in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003(6) (“the 2003 Regulations”) for such a student;
- (b) except where paragraph (c) applies, in the case of a student residing at that student’s parent’s home, the amount specified in paragraph 3 of Schedule 2 to the 2003 Regulations;
- (c) in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as “standard maintenance allowance” for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the Student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- (d) in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (2)(a) or (b) thereof;

(1) O.S. 1996/207.

(2) O.S. 2011/1986.

(3) O.S. 2012/3097 (Cy.313).

(4) O.S.A. 2007/154.

(5) Rh.S. 2009/373.

(6) O.S. 2003/1994; offeryn perthnasol sy’n diwygio yw O.S. 2008/1477.

(1) S.I. 1996/207.

(2) S.I. 2011/1986.

(3) S.I. 2012/3097 (W. 313).

(4) S.S.I. 2007/154.

(5) S.R. 2009/373.

(6) S.I. 2003/1994; relevant amending instrument is S.I. 2008/1477.

ystyr “myfyriwr” (“*student*”) yw person, ac eithrio person sy’n cael lwfans hyfforddi, sy’n mynychu neu’n ymgymryd ag—

- (a) cwrs astudio mewn sefydliad addysgol; neu
- (b) cwrs cymwys;

ystyr “benthyciad myfyriwr” (“*student loan*”) yw benthyciad tuag ar gynhaliaeth myfyriwr yn unol ag unrhyw reoliadau a wneir o dan adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998(1), adran 73 o Ddeddf Addysg (Yr Alban) 1980 neu Erthygl 3 o Orchymyn Addysg (Cymorth i Fyfyrrwyr) (Gogledd Iwerddon) 1998(2) ac mae’n cynnwys, yn yr Alban, bwrsari myfyriwr ifanc a delir o dan reoliad 4(1)(c) o Reoliadau Lwfansau Myfyrrwyr (Yr Alban) 2007(3).

(2) At ddibenion y diffiniad o “myfyriwr amser llawn” (“*full-time student*”) yn is-baragraff (1), rhaid ystyried bod person yn mynychu neu, yn ôl fel y digwydd, yn ymgymryd â chwrs astudio amser llawn, neu ei fod ar gwrs rhngosod—

- (a) yn ddarostyngedig i is-baragraff (3), yn achos person sy’n mynychu neu’n ymgymryd â rhan o gwrs modiwlaidd a fyddai’n gwrs astudio amser llawn at ddibenion y Rhan hon, am y cyfnod sy’n cychwyn ar y diwrnod y mae’r rhan honno o’r cwrs yn dechrau ac yn diweddu—
 - (i) ar y diwrnod olaf y mae’r person wedi ei gofrestru gyda’r sefydliad addysgol fel un sy’n mynychu neu’n ymgymryd â’r rhan honno fel cwrs astudio amser llawn; neu
 - (ii) ar ba bynnag ddyddiad cynharach (os oes un) pan fo’r person yn gadael y cwrs yn derfynol neu’n cael ei ddiarddel ohono;
- (b) mewn unrhyw achos arall, drwy gydol y cyfnod sy’n cychwyn ar y dyddiad pan fo’r person yn dechrau mynychu neu ymgymryd â’r cwrs ac yn diweddu ar ddiwrnod olaf y cwrs neu ar ba bynnag ddyddiad cynharach (os oes un) pan fo’r person yn gadael y cwrs yn derfynol neu’n cael ei ddiarddel ohono.

(3) At ddibenion paragraff (a) o is-baragraff (2), mae’r cyfnod y cyfeirir ato yn y paragraff hwnnw’n cynnwys—

- (a) pan fo person wedi methu arholiadau neu wedi methu â chwblhau’n llwyddiannus fodiwl a berthynai i gyfnod pan oedd y person yn mynychu neu’n ymgymryd â rhan

“student” (“*myfyriwr*”) means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

- (a) a course of study at an educational establishment; or
- (b) a qualifying course;

“student loan” (“*benthyciad myfyriwr*”) means a loan towards a student’s maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998(1), section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998(2) and includes, in Scotland, a young student’s bursary paid under regulation 4(1)(c) of the Students’ Allowances (Scotland) Regulations 2007(3).

(2) For the purposes of the definition of “full-time student” (“*myfyriwr amser llawn*”) in sub-paragraph (1), a person must be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course—

- (a) subject to sub-paragraph (3), in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending—
 - (i) on the last day on which the person is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
 - (ii) on such earlier date (if any) as the person finally abandons the course or is dismissed from it;
- (b) in any other case, throughout the period beginning on the date on which the person starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as the person finally abandons it or is dismissed from it.

(3) For the purposes of paragraph (a) of sub-paragraph (2), the period referred to in that paragraph includes—

- (a) where a person has failed examinations or has failed to successfully complete a module relating to a period when the person was attending or undertaking a part of

(1) 1998 p.30.

(2) O.S. 1998/1760 (G.I. 14).

(3) O.S.A. 2007/153.

(1) 1998 c.30.

(2) S.I. 1998/760 (N.I. 14).

(3) S.S.I. 2007/153.

o'r cwrs fel cwrs astudio amser llawn, unrhyw gyfnod yr oedd y person yn mynychu neu'n ymgymryd â'r cwrs mewn perthynas ag ef at y diben o ailsefyll yr arholiadau hynny neu'r modiwl hwnnw;

- (b) unrhyw gyfnod o wyliau o fewn y cyfnod a bennir yn y paragraff hwnnw neu sy'n dilyn yn union ar ôl y cyfnod hwnnw, ac eithrio pan fo'r person wedi cofrestru gyda'r sefydliad addysgol i fynychu neu ymgymryd â'r modiwl terfynol yn y cwrs hwnnw, a'r gwyliau hynny yn dilyn yn union ar ôl y diwrnod olaf pan yw'n ofynnol i'r person fynychu neu ymgymryd â'r cwrs.

(4) Yn is-baragraff (2), ystyr "cwrs modiwlaid" ("*modular course*") yw cwrs astudio sy'n cynnwys dau neu ragor o fodiwlau, y mae'n ofynnol bod person wedi cwblhau nifer penodedig ohonynt yn llwyddiannus cyn y bydd y sefydliad addysgol yn ystyried bod y person hwnnw wedi cwblhau'r cwrs.

Trin myfyrwyr

71. Mae'r cynllun hwn yn cael effaith mewn perthynas â myfyrwyr yn ddarostyngedig i baragraff 72 (myfyrwyr a eithrir o'r hawlogaeth i gael gostyngiad treth gyngor o dan y cynllun hwn) a darpariaethau canlynol y Rhan hon.

Myfyrwyr a eithrir o'r hawlogaeth i gael gostyngiad treth gyngor o dan y cynllun hwn

72.—(1) Y myfyrwyr a eithrir o'r hawlogaeth i gael gostyngiad o dan y cynllun hwn yw'r canlynol—

- (a) myfyrwyr sy'n bensiynwyr(1); a
(b) yn ddarostyngedig i is-baragraffau (2) a (7)—
(i) myfyrwyr amser llawn, a
(ii) myfyrwyr sy'n bersonau a drinnir fel rhai nad ydynt ym Mhrydain Fawr.

(2) Nid yw is-baragraff (1)(b) yn gymwys i fyfyrwr—

- (a) sy'n berson sy'n cael cymhorthdal incwm, lwfans ceisio gwaith ar sail incwm neu lwfans cyflogaeth a chymorth ar sail incwm;
(b) sy'n unig riant;
(c) y byddai ei swm cymwysadwy, oni bai am y paragraff hwn, yn cynnwys y premiwm anabledd neu'r premiwm anabledd difrifol;
(d) y byddai ei swm cymwysadwy, yn cynnwys y premiwm anabledd pe na bai'r myfyriwr

(1) Gweler paragraff 3(2)(a) o'r cynllun hwn.

the course as a full-time course of study, any period in respect of which the person attends or undertakes the course for the purpose of retaking those examinations or that module;

- (b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which the person is required to attend or undertake the course.

(4) In sub-paragraph (2), "modular course" ("*cwrs modiwlaid*") means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

Treatment of students

71. This scheme has effect in relation to students subject to paragraph 72 (students excluded from entitlement to a council tax reduction under this scheme) and the following provisions of this Part.

Students who are excluded from entitlement to a council tax reduction under this scheme

72.—(1) The students who are excluded from entitlement to a reduction under this scheme are—

- (a) students who are pensioners(1); and
(b) subject to sub-paragraphs (2) and (7)—
(i) full-time students, and
(ii) students who are persons treated as not being in Great Britain.

(2) Sub-paragraph (1)(b) does not apply to a student—

- (a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;
(b) who is a lone parent;
(c) whose applicable amount would, but for this paragraph, include the disability premium or severe disability premium;
(d) whose applicable amount would include the disability premium but for the student being

(1) See paragraph 3(2)(a) of this scheme.

yn cael ei drin fel pe bai'n alluog i weithio yn rhinwedd penderfyniad a wnaed yn unol â rheoliadau a wnaed o dan adran 171E o DCBNC;

- (e) sydd yn analluog i weithio, neu'n cael ei drin fel pe bai'n analluog i weithio, ac wedi bod yn analluog felly neu'n cael ei drin felly yn unol â darpariaethau Rhan 12A o DCBNC (analluedd i weithio) a rheoliadau a wnaed o dan y Rhan honno am gyfnod di-dor o ddim llai na 196 diwrnod; ac at y diben hwn rhaid trin unrhyw ddau neu ragor o gyfnodau ar wahân, a wahanir gan doriad o ddim mwy na 56 diwrnod fel un cyfnod di-dor;
- (f) sydd â'i alluedd ar gyfer gwaith yn gyfyngedig, neu a drinnir ef fel pe bai ei alluedd ar gyfer gwaith yn gyfyngedig, ac y bu ganddo, neu y triniwyd ef fel pe bai ganddo, alluedd cyfyngedig ar gyfer gwaith yn unol â Rheoliadau Lwfans Cyflogaeth a Chymorth 2008(1) am gyfnod di-dor o ddim llai na 196 diwrnod; ac at y diben hwn rhaid trin unrhyw ddau neu ragor o gyfnodau ar wahân a wahanir gan doriad o ddim mwy na 84 diwrnod fel un cyfnod di-dor;
- (g) sydd â phartner sydd hefyd yn fyfyrwr amser llawn, os trinnir y myfyrwr neu'r partner hwnnw fel pe bai'n gyfrifol am blentyn neu berson ifanc;
- (h) sy'n geisydd sengl y lleolwyd plentyn gydag ef gan awdurdod lleol neu gorff gwirfoddol o fewn yr ystyr a roddir i "placed" gan Ddeddf Plant 1989(2) neu, yn yr Alban, wedi ei letya gydag ef yn yr ystyr a roddir i "boarded out" gan Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968(3);
- (i) sydd—
 - (i) o dan 21 mlwydd oed ac nad yw ei gwrs astudio yn gwrs addysg uwch,
 - (ii) yn 21 mlwydd oed ac wedi cyrraedd yr oedran hwnnw yn ystod cwrs astudio nad yw'n gwrs addysg uwch, neu
 - (iii) yn berson ifanc cymwys neu'n blentyn yn yr ystyron a roddir, yn eu trefn, i "qualifying young person" a "child" gan adran 142 o DCBNC (plentyn a pherson ifanc cymwys);
- (j) os, mewn perthynas ag ef—

treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;

- (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
- (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008(1) for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- (g) who has a partner who is also a full-time student, if the student or that partner is treated as responsible for a child or young person;
- (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989(2) or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968(3);
- (i) who is—
 - (i) aged under 21 and whose course of study is not a course of higher education,
 - (ii) aged 21 and attained that age during a course of study which is not a course of higher education, or
 - (iii) a qualifying young person or child within the meaning of section 142 of the SSCBA (child and qualifying young person);
- (j) in respect of whom—

(1) O.S. 2008/794.
(2) 1989 p.41.
(3) 1968 p.49.

(1) S.I. 2008/794.
(2) 1989 c.41.
(3) 1968 c.49.

- (i) penderfynwyd ar ofyniad atodol yn yr ystyr a roddir i “supplementary requirement” o dan baragraff 9 o Ran 2 o Atodlen 2 i Reoliadau Addysg (Dyfarniadau Gorfodol) 2003;
- (ii) rhoddwyd lwfans neu, yn ôl fel y digwydd, bwrsari, sy'n cynnwys swm o dan reoliad 4 o Reoliadau Lwfansau Myfyrwyr (Yr Alban) 2007 neu, yn ôl fel y digwydd, o dan Reoliadau Awdurdodau Addysg (Bwrsariaethau) (Yr Alban) 2007(1), mewn perthynas â threuliau a dynnir;
- (iii) gwnaed taliad o dan adran 2 o Ddeddf Addysg 1962(2) neu o dan neu yn rhinwedd rheoliadau a wnaed o dan Ddeddf Addysgu ac Addysg Uwch 1998;
- (iv) rhoddwyd grant o dan reoliad 13 o Reoliadau Addysg (Cymorth i Fyfirwyr) 2005(3), rheoliad 13 o Reoliadau Addysg (Cymorth i Fyfirwyr) (Gogledd Iwerddon) 2000(4), neu reoliad 41 o Reoliadau Addysg (Cymorth i Fyfirwyr) (Rhif 2) (Gogledd Iwerddon) 2009; neu
- (v) penderfynwyd ar ofyniad atodol yn yr ystyr a roddir i “supplementary requirement” o dan baragraff 9 o Atodlen 6 i Reoliadau Dyfarniadau Myfyrwyr (Gogledd Iwerddon) 2003(5) neu gwnaed taliad o dan Erthygl 50(3) o Orchymyn Addysg a Llyfrgelloedd (Gogledd Iwerddon) 1986,

o ganlyniad i anabledd y myfyriwr oherwydd byddardod.

(3) Mae is-baragraff (2)(i)(ii) yn gymwys i geisydd hyd at ddiwedd y cwrs, yn unig, y cyrhaeddodd y geisydd yr oedran o 21 ynddo.

(4) At ddibenion is-baragraff (2), unwaith y bydd is-baragraff (2)(e) yn gymwys i fyfyrwr amser llawn, os yw'r myfyriwr hwnnw wedyn, am gyfnod o 56 diwrnod neu lai, yn peidio â bod yn analluog i weithio, neu gael ei drin fel pe bai'n analluog i weithio, yna, ar ddiwedd y cyfnod hwnnw, pan â'r myfyriwr yn analluog i weithio drachefn, neu pan drinnir ef drachefn fel pe bai'n analluog i weithio, rhaid cymhwyso'r is-baragraff hwnnw i'r myfyriwr hwnnw ar unwaith, am gyhyd ag y bo'n parhau'n analluog i weithio, neu cyhyd ag y'i trinnir fel pe bai'n analluog i weithio.

(1) O.S.A. 2007/149.
 (2) 1962 p.12.
 (3) O.S. 2005/52.
 (4) O.S. 2000/213.
 (5) Rh.S. 2003/459.

- (i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
- (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under regulation 4 of the Students' Allowances (Scotland) Regulations 2007 or, as the case may be, under the Education Authority (Bursaries) (Scotland) Regulations 2007(1), in respect of expenses incurred;
- (iii) a payment has been made under section 2 of the Education Act 1962(2) or by virtue of regulations made under the Teaching and Higher Education Act 1998;
- (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005(3), regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000(4), or regulation 41 of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009; or
- (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 2003(5) or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of the student's disability by reason of deafness.

(3) Sub-paragraph (2)(i)(ii) only applies to an applicant until the end of the course during which the applicant attained the age of 21.

(4) For the purposes of sub-paragraph (2), once sub-paragraph (2)(e) applies to a full-time student, if that student then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph must, on that student again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to that student for so long as that student remains incapable or is treated as remaining incapable, of work.

(1) S.S.I. 2007/149.
 (2) 1962 c.12.
 (3) S.I. 2005/52.
 (4) S.I. 2000/213.
 (5) S.R. 2003/459.

(5) Yn is-baragraff (2)(i) mae'r cyfeiriad at gwrs addysg uwch yn gyfeiriad at gwrs o unrhyw ddisgrifiad a grybwyllir yn Atodlen 6 i Ddeddf Diwygio Addysg 1988(1).

(6) Rhaid trin myfyriwr amser llawn y mae is-baragraff (2)(i) yn gymwys iddo fel pe bai'n bodloni'r is-baragraff hwnnw o'r dyddiad y gwnaeth y myfyriwr hwnnw gais am y gofyniad atodol, lwfans, bwrsari neu daliad, yn ôl fel y digwydd.

(7) Nid yw is-baragraff (1)(b) yn gymwys i fyfyriwr amser llawn am y cyfnod a bennir yn is-baragraff (8) os—

- (a) yw'r myfyriwr, ar unrhyw adeg yn ystod blwyddyn academiaidd, gyda chydysyniad y sefydliad addysgol perthnasol, yn peidio â mynychu neu ymgymryd â chwrs oherwydd bod y myfyriwr—
 - (i) yn ymgymryd â gofalu am berson arall; neu
 - (ii) yn sâl;
- (b) y myfyriwr yn ddiweddarach wedi peidio ag ymgymryd â gofalu am y person hwnnw neu, yn ôl fel y digwydd, os yw'r myfyriwr yn ddiweddarach wedi gwella o'r salwch hwnnw; ac
- (c) nad yw'r myfyriwr yn gymwys i gael grant neu fenthyciad myfyriwr mewn perthynas â'r cyfnod a bennir yn is-baragraff (8).

(8) Y cyfnod a bennir at ddibenion is-baragraff (7) yw'r cyfnod, na fydd yn hwy nag un flwyddyn, sy'n cychwyn ar y diwrnod y peidiodd y myfyriwr ag ymgymryd â gofalu am y person hwnnw neu, yn ôl fel y digwydd, y diwrnod y cafodd y myfyriwr adferiad o'r salwch hwnnw ac yn diweddu ar y diwrnod cyn—

- (a) y diwrnod y mae'r myfyriwr yn aildechrau mynychu neu ymgymryd â'r cwrs; neu
- (b) y diwrnod y bydd y sefydliad addysgol perthnasol wedi cytuno y caiff y myfyriwr aildechrau mynychu neu ymgymryd â'r cwrs,

pa un bynnag sy'n digwydd gyntaf.

PENNOD 2

Incwm

Cyfrifo incwm grant

73.—(1) Rhaid i'r swm o incwm grant myfyriwr a gymerir i ystyriaeth wrth asesu incwm y myfyriwr, yn ddarostyngedig i is-baragraffau (2) a (3), fod y cyfan o incwm grant y myfyriwr.

(1) 1988 p.40.

(5) In sub-paragraph (2)(i) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988(1).

(6) A full-time student to whom sub-paragraph (2)(i) applies must be treated as satisfying that sub-paragraph from the date on which that student made a request for the supplementary requirement, allowance, bursary or payment as the case may be.

(7) Sub-paragraph (1)(b) does not apply to a full-time student for the period specified in sub-paragraph (8) if—

- (a) at any time during an academic year, with the consent of the relevant educational establishment, the student ceases to attend or undertake a course because the student is—
 - (i) engaged in caring for another person; or
 - (ii) ill;
- (b) the student has subsequently ceased to be engaged in caring for that person or, as the case may be, the student has subsequently recovered from that illness; and
- (c) the student is not eligible for a grant or a student loan in respect of the period specified in sub-paragraph (8).

(8) The period specified for the purposes of sub-paragraph (7) is the period, not exceeding one year, beginning on the day on which the student ceased to be engaged in caring for that person or, as the case may be, the day on which the student recovered from that illness and ending on the day before—

- (a) the day on which the student resumes attending or undertaking the course; or
- (b) the day from which the relevant educational establishment has agreed that the student may resume attending or undertaking the course,

whichever first occurs.

CHAPTER 2

Income

Calculation of grant income

73.—(1) The amount of a student's grant income to be taken into account in assessing the student's income must, subject to sub-paragraphs (2) and (3), be the whole of the student's grant income.

(1) 1988 c.40.

(2) Rhaid hepgor o incwm grant myfyriwr unrhyw daliad—

- (a) a fwriedir i ddiwallu ffioedd dysgu neu ffioedd arholiad;
- (b) mewn perthynas ag anabledd y myfyriwr;
- (c) a fwriedir i ddiwallu gwariant ychwanegol mewn cysylltiad ag astudiaeth breswyl yn ystod y tymor, i ffwrdd o sefydliad addysgol y myfyriwr;
- (d) oherwydd bod y myfyriwr yn cynnal cartref yn rhywle arall, ar wahân i'r man lle mae'r myfyriwr yn preswyl yn ystod ei gwrs;
- (e) ar gyfer unrhyw berson arall, ond hynny yn unig os yw'r person hwnnw'n preswyl y tu allan i'r Deyrnas Unedig ac nad oes swm cymwysadwy mewn perthynas â'r person hwnnw;
- (f) a fwriedir i ddiwallu cost llyfrau a chyfarpar;
- (g) a fwriedir i ddiwallu costau teithio a dynnir o ganlyniad i bresenoldeb y myfyriwr ar y cwrs;
- (h) a fwriedir ar gyfer costau gofal plant i ddibynnydd sy'n blentyn;
- (i) o fwsari addysg uwch i ymadawyr gofal, a wnaed o dan Ran 3 o Ddeddf Plant 1989.

(3) Pan nad oes gan fyfyriwr fenthyciad myfyriwr ac nas trinnir ef fel pe bai'n meddu benthyciad o'r fath, rhaid hepgor o incwm grant y myfyriwr—

- (a) y swm o £303 am bob blwyddyn academaidd mewn perthynas â chostau teithio; a
- (b) y swm o £390 am bob blwyddyn academaidd tuag at gostau llyfrau a chyfarpar,

pa un a dynnir y cyfryw gostau ai peidio.

(4) Rhaid hepgor hefyd, o incwm grant myfyriwr y grant ar gyfer dibynnyddion a elwir yn lwfans dysgu rhieni, a delir yn unol â rheoliadau a wnaed o dan Erthygl 3 o Orchymyn Addysg (Cymorth i Fyfyriwyr) (Gogledd Iwerddon) 1998 neu adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998.

(5) Yn ddarostyngedig i is-baragraffau (6) a (7), rhaid dosrannu incwm grant myfyriwr—

- (a) yn ddarostyngedig i is-baragraff (8), mewn achos yw'n briodoladwy i'r cyfnod astudio, yn gyfartal rhwng yr wythnosau yn y cyfnod hwnnw sy'n cychwyn gyda'r wythnos ostyngiad y mae ei diwrnod cyntaf yn cyd-ddigwydd â, neu'n dilyn yn union ar ôl, diwrnod cyntaf y cyfnod astudio ac yn diweddu gyda'r wythnos ostyngiad y mae ei

(2) There must be excluded from a student's grant income any payment—

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the student's disability;
- (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
- (d) on account of the student maintaining a home at a place other than that at which the student resides during the student's course;
- (e) on account of any other person but only if that person is residing outside the United Kingdom and there is no applicable amount in respect of that person;
- (f) intended to meet the cost of books and equipment;
- (g) intended to meet travel expenses incurred as a result of the student's attendance on the course;
- (h) intended for the child care costs of a child dependant;
- (i) of higher education bursary for care leavers made under Part 3 of the Children Act 1989.

(3) Where a student does not have a student loan and is not treated as possessing such a loan, there must be excluded from the student's grant income—

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the costs of books and equipment,

whether or not any such costs are incurred.

(4) There must also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.

(5) Subject to sub-paragraphs (6) and (7), a student's grant income must be apportioned—

- (a) subject to sub-paragraph (8), in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period of study and ending with the reduction week, the last day of which

diwrnod olaf yn cyd-ddigwydd â, neu'n union ragflaenu, diwrnod olaf y cyfnod astudio;

- (b) mewn unrhyw achos arall, yn gyfartal rhwng yr wythnosau yn y cyfnod sy'n cychwyn gyda'r wythnos ostyngiad y mae ei diwrnod cyntaf yn cyd-ddigwydd â, neu'n dilyn yn union ar ôl, diwrnod cyntaf y cyfnod y mae'n daladwy ar ei gyfer ac yn diweddu gyda'r wythnos ostyngiad y mae ei diwrnod olaf yn cyd-ddigwydd â, neu'n union ragflaenu, diwrnod olaf y cyfnod y mae'n daladwy ar ei gyfer.

(6) Rhaid dosrannu unrhyw grant mewn perthynas â dibynnyddion a delir o dan adran 63(6) o Ddeddf Gwasanaethau Iechyd ac Iechyd y Cyhoedd 1968(1) (grantiau mewn perthynas â darparu hyfforddiant i swyddogion awdurdodau ysbyty) ac unrhyw swm a fwriedir ar gyfer cynhaliaeth dibynnyddion o dan Ran 3 o Atodlen 2 i Reoliadau Addysg (Dyfarniadau Gorfodol) 2003 yn gyfartal dros y cyfnod o 52 wythnos neu, os oes 53 o wythnosau gostyngiad (gan gynnwys rhan-wythnosau) yn y flwyddyn, 53 wythnos.

(7) Mewn achos pan fo myfyriwr yn cael benthyciad myfyriwr, neu y gallai'r myfyriwr fod wedi caffael benthyciad myfyriwr drwy gymryd camau rhesymol ond nad oedd wedi gwneud hynny, rhaid i unrhyw swm a fwriadwyd ar gyfer cynnal dibynnyddion ac nad yw is-baragraff (6) na pharagraff 77(2) (symiau eraill sydd i'w diystyru) yn gymwys iddo, gael ei ddosrannu dros yr un cyfnod ag y dosrennir y benthyciad myfyriwr neu, yn ôl fel y digwydd, y byddid wedi ei ddosrannu.

(8) Yn achos myfyriwr ar gwrs rhyngosod, rhaid hepgor unrhyw gyfnodau o brofiad sydd o fewn y cyfnod astudio, a rhaid dosrannu incwm grant y myfyriwr yn gyfartal rhwng yr wythnosau yn y cyfnod sy'n cychwyn gyda'r wythnos ostyngiad y mae ei diwrnod cyntaf yn dilyn yn union ar ôl diwrnod olaf y cyfnod o brofiad ac yn diweddu gyda'r wythnos ostyngiad y mae ei diwrnod olaf yn cyd-ddigwydd â, neu'n union ragflaenu, diwrnod olaf y cyfnod astudio.

Cyfrifo incwm cyfamod pan asesir cyfraniad

74.—(1) Pan fo myfyriwr yn cael incwm ar ffurf grant yn ystod cyfnod astudio a chyfraniad wedi ei asesu, rhaid i'r swm o incwm cyfamod y myfyriwr, a gymerir i ystyriaeth ar gyfer y cyfnod hwnnw ac unrhyw wyliau haf sy'n dilyn yn union wedyn, fod y swm cyfan o'r incwm cyfamod, llai, yn ddarostyngedig i is-baragraff (3), swm y cyfraniad.

(1) 1968 p.46.

coincides with, or immediately precedes, the last day of the period of study;

- (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.

(6) Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968(1) (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 must be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53 weeks.

(7) In a case where a student is in receipt of a student loan or where the student could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither sub-paragraph (6) nor paragraph 77(2) (other amounts to be disregarded) applies, must be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

(8) In the case of a student on a sandwich course, any periods of experience within the period of study must be excluded and the student's grant income must be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

Calculation of covenant income where a contribution is assessed

74.—(1) Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of the student's covenant income to be taken into account for that period and any summer vacation immediately following must be the whole amount of the covenant income less, subject to sub-paragraph (3), the amount of the contribution.

(1) 1968 c.46.

(2) Rhaid penderfynu swm wythnosol incwm cyfamod y myfyriwr—

- (a) drwy rannu swm yr incwm sydd i'w gymryd i ystyriaeth o dan is-baragraff (1) gyda 52 neu 53, pa un bynnag sy'n rhesymol yn yr amgylchiadau; a
- (b) drwy ddiystyru £5 o'r swm canlyniadol.

(3) At ddibenion is-baragraff (1), rhaid trin y cyfraniad fel pe bai wedi ei gynyddu o ba bynnag swm (os oes un) y mae'r swm a hepgorir o dan baragraff 73(2)(g) (cyfrifo incwm grant) yn brin o'r swm a bennir ym mharagraff 7(2) o Atodlen 2 i Reoliadau Addysg (Dyfarniadau Gorfodol) 2003 (gwariant teithio).

Incwm cyfamod pan nad asesir incwm grant neu nad asesir cyfraniad

75.—(1) Pan nad yw myfyriwr yn cael incwm ar ffurf grant, rhaid cyfrifo swm incwm cyfamod y myfyriwr fel a ganlyn—

- (a) rhaid diystyru unrhyw symiau a fwriadwyd ar gyfer unrhyw wariant a bennir ym mharagraff 73(2)(a) i (e) (cyfrifo incwm grant) ac sy'n angenrheidiol o ganlyniad i bresenoldeb y myfyriwr ar y cwrs;
- (b) rhaid dosrannu unrhyw incwm cyfamod, hyd at swm y grant cynhaliath safonol, nas diystyriir felly, yn gyfartal rhwng wythnosau'r cyfnod astudio;
- (c) rhaid diystyru, o'r swm a ddosrannwyd felly, y swm y byddid wedi ei ddiystyru o dan baragraff 73(2)(f) a (3) (cyfrifo incwm grant) pe bai'r myfyriwr wedi bod yn cael y grant cynhaliath safonol; a
- (d) rhaid rhannu'r balans, os oes un, gyda 52 neu 53, pa un bynnag sy'n rhesymol yn yr amgylchiadau, a'i drin fel incwm wythnosol y mae'n rhaid diystyru £5 ohono.

(2) Pan fo myfyriwr yn cael incwm ar ffurf grant ac nad oes cyfraniad wedi ei asesu, rhaid cyfrifo swm incwm cyfamod y myfyriwr yn unol â pharagraffau (a) i (d) o is-baragraff (1), ac eithrio—

- (a) rhaid lleihau gwerth y grant cynhaliath safonol o swm y cyfryw incwm grant llai swm sy'n hafal i gyfanswm unrhyw symiau a ddiystyriir o dan baragraff 73(2)(a) i (e); a
- (b) rhaid lleihau'r swm sydd i'w ddiystyru o dan is-baragraff (1)(c) o swm sy'n hafal i gyfanswm unrhyw symiau a ddiystyriir o dan baragraff 73(2)(f) ac (g) a (3).

(2) The weekly amount of the student's covenant must be determined—

- (a) by dividing the amount of income which falls to be taken into account under sub-paragraph (1) by 52 or 53, whichever is reasonable in the circumstances; and
- (b) by disregarding £5 from the resulting amount.

(3) For the purposes of sub-paragraph (1), the contribution must be treated as increased by the amount (if any) by which the amount excluded under paragraph 73(2)(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

Covenant income where no grant income or no contribution is assessed

75.—(1) Where a student is not in receipt of income by way of a grant the amount of the student's covenant income must be calculated as follows—

- (a) any sums intended for any expenditure specified in paragraph 73(2)(a) to (e) (calculation of grant income) necessary as a result of the student's attendance on the course must be disregarded;
- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, must be apportioned equally between the weeks of the period of study;
- (c) there must be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 73(2)(f) and (3) (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
- (d) the balance, if any, must be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 must be disregarded.

(2) Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of the student's covenanted income must be calculated in accordance with paragraphs (a) to (d) of sub-paragraph (1), except that—

- (a) the value of the standard maintenance grant must be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 73(2)(a) to (e); and
- (b) the amount to be disregarded under sub-paragraph (1)(c) must be abated by an amount equal to the amount of any sums disregarded under paragraph 73(2)(f) and (g) and (3).

Y berthynas â symiau sydd i'w diystyru o dan Atodlen 7

76. Rhaid peidio â diystyru unrhyw ran o incwm cyfamod neu incwm grant myfyriwr o dan baragraff 19 o Atodlen 7 (diystyru rhai taliadau elusennol a gwirfoddol etc.).

Symiau eraill sydd i'w diystyru

77.—(1) At y diben o ganfod incwm arall ac eithrio incwm grant, incwm cyfamod a benthyciadau a drinnir fel incwm yn unol â pharagraff 78 (trin benthyciadau myfyriwr), rhaid diystyru unrhyw symiau a fwriadwyd ar gyfer unrhyw wariant a bennir ym mharagraff 73(2) (cyfrifo incwm grant), sy'n angenrheidiol o ganlyniad i bresenoldeb y myfyriwr ar y cwrs.

(2) Ond nid yw is-baragraff (1) yn gymwys onid yw, ac i'r graddau y mae, y gwariant angenrheidiol yn fwy, neu'n debygol o fod yn fwy, na chyfanswm y symiau a ddiystyriwr o dan baragraff 73(2) neu (3), 74(3), 75(1)(a) neu (c) neu 78(5) (cyfrifo incwm grant, incwm cyfamod a thrin benthyciadau myfyriwr) ynglŷn â gwariant cyffelyb.

Trin benthyciadau myfyriwr

78.—(1) Rhaid trin benthyciad myfyriwr fel incwm.

(2) Wrth gyfrifo'r swm wythnosol o'r benthyciad sydd i'w gymryd i ystyriaeth fel incwm—

- (a) mewn perthynas â chwrs sy'n parhau am un flwyddyn academaidd neu lai, rhaid dosrannu benthyciad sy'n daladwy mewn perthynas â'r cyfnod hwnnw yn gyfartal rhwng yr wythnosau yn y cyfnod, sy'n dechrau gydag—
 - (i) ac eithrio mewn achos pan fo is-baragraff (ii) yn gymwys, yr wythnos ostyngiad y mae ei diwrnod cyntaf yn cyd-ddigwydd â, neu'n dilyn yn union ar ôl, diwrnod cyntaf yr un flwyddyn academaidd;
 - (ii) pan yw'n ofynnol bod y myfyriwr yn dechrau mynychu'r cwrs yn Awst, neu pan fo hyd y cwrs yn llai nag un flwyddyn academaidd, yr wythnos ostyngiad y mae ei diwrnod cyntaf yn cyd-ddigwydd â, neu'n dilyn yn union ar ôl, diwrnod cyntaf y cwrs

ac yn diweddu gyda'r wythnos ostyngiad y mae ei diwrnod olaf yn cyd-ddigwydd â, neu'n union ragflaenu, diwrnod olaf y cwrs;

- (b) mewn perthynas â blwyddyn academaidd o gwrs sy'n cychwyn ac eithrio ar 1 Medi, rhaid dosrannu benthyciad sy'n daladwy mewn perthynas â'r flwyddyn academaidd honno yn gyfartal rhwng yr wythnosau yn y cyfnod—

Relationship with amounts to be disregarded under Schedule 7

76. No part of a student's covenant income or grant income is to be disregarded under paragraph 19 of Schedule 7 (disregard of certain charitable and voluntary, etc., payments).

Other amounts to be disregarded

77.—(1) For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with paragraph 78 (treatment of student loans), any amounts intended for any expenditure specified in paragraph 73(2) (calculation of grant income), necessary as a result of the student's attendance on the course is to be disregarded.

(2) But sub-paragraph (1) applies only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraph 73(2) or (3), 74(3), 75(1)(a) or (c) or 78(5) (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

Treatment of student loans

78.—(1) A student loan is to be treated as income.

(2) In calculating the weekly amount of the loan to be taken into account as income—

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period is to be apportioned equally between the weeks in the period beginning with—
 - (i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
 - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course,

and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

- (b) in respect of an academic year of a course which starts other than on 1 September, a loan which is payable in respect of that academic year is to be apportioned equally between the weeks in the period—

- (i) sy'n dechrau gyda'r wythnos ostyngiad y mae ei diwrnod cyntaf yn cyd-ddigwydd â, neu'n dilyn yn union ar ôl, diwrnod cyntaf y flwyddyn academaidd honno; a
- (ii) yn diweddu gyda'r wythnos ostyngiad y mae ei diwrnod olaf yn cyd-ddigwydd â, neu'n union ragflaenu, diwrnod olaf y flwyddyn academaidd honno,

ond gan hepgor unrhyw wythnosau gostyngiad sy'n digwydd yn gyfan gwbl o fewn y chwarter pan, ym marn yr awdurdod, y cymerir y cyfnod hwyaf o unrhyw wyliau, ac at ddibenion y paragraff hwn, mae i "chwarter" yr ystyr a roddir i "quarter" at ddibenion Rheoliadau Addysg (Cymorth i Fyfyrrwyr) 2005;

- (c) mewn perthynas â blwyddyn academaidd derfynol cwrs (nad yw'n gwrs sy'n parhau am un flwyddyn), rhaid dosrannu benthyciad sy'n daladwy mewn perthynas â'r flwyddyn academaidd derfynol honno yn gyfartal rhwng yr wythnosau yn y cyfnod, sy'n dechrau gydag—
 - (i) ac eithrio mewn achos pan fo is-baragraff (ii) yn gymwys, yr wythnos ostyngiad y mae ei diwrnod cyntaf yn cyd-ddigwydd â, neu'n dilyn yn union ar ôl, diwrnod cyntaf y flwyddyn academaidd honno;
 - (ii) pan fo'r flwyddyn academaidd derfynol yn cychwyn ar 1 Medi, yr wythnos ostyngiad y mae ei diwrnod cyntaf yn cyd-ddigwydd â, neu'n dilyn yn union ar ôl y cynharaf o 1 Medi neu ddiwrnod cyntaf tymor yr hydref,

ac yn diweddu gyda'r wythnos ostyngiad y mae ei diwrnod olaf yn cyd-ddigwydd â, neu'n union ragflaenu, diwrnod olaf y cwrs;

- (d) mewn unrhyw achos arall, rhaid dosrannu'r benthyciad yn gyfartal rhwng yr wythnosau yn y cyfnod sy'n dechrau gyda'r cynharaf o'r canlynol—
 - (i) diwrnod cyntaf yr wythnos ostyngiad gyntaf ym Medi; neu
 - (ii) yr wythnos ostyngiad y mae ei diwrnod cyntaf yn cyd-ddigwydd â, neu'n dilyn yn union ar ôl diwrnod cyntaf tymor yr hydref,

ac yn diweddu gyda'r wythnos ostyngiad y mae ei diwrnod olaf yn cyd-ddigwydd â, neu'n union ragflaenu'r diwrnod olaf ym Mehefin, ac ym mhob achos, o'r swm wythnosol fel y'i dosrannwyd rhaid diystyru £10.

(3) Rhaid trin myfyriwr fel pe bai'n meddu benthyciad myfyriwr mewn perthynas â blwyddyn academaidd os—

- (i) beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year; and
- (ii) ending with the reduction week, the last day of which coincides with or immediately precedes, the last day of that academic year,

but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the authority, the longest of any vacation is taken and for the purposes of this paragraph, "quarter" ("*chwarter*") has the same meaning as for the purposes of the Education (Student Support) Regulations 2005;

- (c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year is to be apportioned equally between the weeks in the period beginning with—
 - (i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of that academic year;
 - (ii) where the final academic year starts on 1 September, the reduction week, the first day of which coincides with, or immediately follows, the earlier of 1 September or the first day of the autumn term,

and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

- (d) in any other case, the loan is to be apportioned equally between the weeks in the period beginning with the earlier of—
 - (i) the first day of the first reduction week in September; or
 - (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term,

and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of June, and, in all cases, from the weekly amount so apportioned there is to be disregarded £10.

(3) A student is to be treated as possessing a student loan in respect of an academic year where—

- (a) rhoddwyd benthyciad myfyriwr i'r myfyriwr mewn perthynas â'r flwyddyn honno; neu
- (b) y gallai'r myfyriwr gaffael benthyciad o'r fath mewn perthynas â'r flwyddyn honno drwy gymryd camau rhesymol i wneud hynny.

(4) Pan drinnir myfyriwr fel pe bai'n meddu benthyciad myfyriwr o dan is-baragraff (3), mae swm y benthyciad myfyriwr y mae'n rhaid ei gymryd i ystyriaeth fel incwm, yn ddarostyngedig i is-baragraff (5), fel a ganlyn—

- (a) yn achos myfyriwr y rhoddir benthyciad myfyriwr iddo mewn perthynas â blwyddyn academiaidd, swm sy'n hafal i—
 - (i) swm y benthyciad myfyriwr mwyaf y gall y myfyriwr hwnnw ei gaffael mewn perthynas â'r flwyddyn honno drwy gymryd camau rhesymol i wneud hynny; a
 - (ii) unrhyw gyfraniad, pa un a dalwyd y cyfraniad hwnnw i'r myfyriwr ai peidio;
- (b) yn achos myfyriwr na roddwyd benthyciad myfyriwr iddo mewn perthynas â blwyddyn academiaidd, swm y benthyciad myfyriwr mwyaf y byddid yn ei roi i'r myfyriwr hwnnw—
 - (i) pe bai'r myfyriwr yn cymryd pob cam rhesymol i gael y benthyciad myfyriwr mwyaf y mae modd iddo'i gaffael mewn perthynas â'r flwyddyn honno; a
 - (ii) pe na wneid unrhyw ddiidyniad o'r benthyciad hwnnw yn rhinwedd gweithredu prawf modd.

(5) Rhaid didynnu o swm yr incwm a gymerir i ystyriaeth o dan is-baragraff (4)—

- (a) y swm o £303 am bob blwyddyn academiaidd mewn perthynas â chostau teithio; a
- (b) y swm o £390 am bob blwyddyn academiaidd tuag at gost llyfrau a chyfarpar,

pa un a dynnir costau o'r fath ai peidio.

Trin benthyciadau ffioedd

79. Rhaid diystyru fel incwm unrhyw fenthyciad ar gyfer ffioedd, a elwir hefyd yn fenthyciad ffioedd neu'n fenthyciad cyfrannu at ffioedd, a roddir yn unol â rheoliadau a wnaed o dan Erthygl 3 o Orchymyn Addysg (Cymorth i Fyfyrrwyr) (Gogledd Iwerddon) 1988, adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998 neu adran 73(f) o Ddeddf Addysg (Yr Alban) 1980.

Trin taliadau o gronfeydd mynediad

80.—(1) Mae'r paragraff hwn yn gymwys i daliadau o gronfeydd mynediad nad ydynt yn daliadau y mae paragraff 83(2) neu (3) (incwm a drinnir fel cyfalaf) yn gymwys iddynt.

- (a) a student loan has been made to the student in respect of that year; or
- (b) the student could acquire such a loan in respect of that year by taking reasonable steps to do so.

(4) Where a student is treated as possessing a student loan under sub-paragraph (3), the amount of the student loan to be taken into account as income must be, subject to sub-paragraph (5)—

- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to—
 - (i) the maximum student loan the student is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to the student;
- (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if—
 - (i) the student took all reasonable steps to obtain the maximum student loan that student is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.

(5) There must be deducted from the amount of income taken into account under sub-paragraph (4)—

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the cost of books and equipment,

whether or not any such costs are incurred.

Treatment of fee loans

79. A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1988, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, will be disregarded as income.

Treatment of payments from access funds

80.—(1) This paragraph applies to payments from access funds that are not payments to which paragraph 83(2) or (3) (income treated as capital) applies.

(2) Rhaid diystyru fel incwm unrhyw daliad o gronfeydd mynediad, ac eithrio taliad y mae is-baragraff (3) yn gymwys iddo.

(3) Yn ddarostyngedig i is-baragraff (4) o'r paragraff hwn a pharagraff 40 o Atodlen 7 (symiau a ddiystyrir wrth gyfrifo incwm ac eithrio enillion: personau nad ydynt yn bensiynwyr), rhaid diystyru fel incwm—

- (a) unrhyw daliadau o gronfeydd mynediad a fwriedir ac a ddefnyddir ar gyfer eitem o fwyd, dillad neu esgidiau cyffredin, tanwydd cartref, neu rent ceisydd sengl neu, yn ôl fel y digwydd, y ceisydd neu unrhyw aelod arall o deulu'r ceisydd, a
- (b) unrhyw daliadau o gronfeydd mynediad a ddefnyddir ar gyfer unrhyw dreth gyngor neu daliadau dŵr y mae'r ceisydd neu unrhyw aelod arall o deulu'r ceisydd yn atebol,

hyd at £20 yr wythnos.

(4) Pan wneir taliad o gronfeydd mynediad—

- (a) ar neu ar ôl 1 Medi neu ddiwrnod cyntaf y cwrs, pa un bynnag sy'n digwydd gyntaf, ond cyn cael unrhyw fenthyciad myfyriwr mewn perthynas â'r flwyddyn honno, a'r taliad wedi ei fwriadu at y diben o bontio'r cyfnod hyd nes ceir y benthyciad myfyriwr; neu
- (b) cyn diwrnod cyntaf y cwrs i berson gan ddisgwyl y bydd y person hwnnw'n dod yn fyfyriwr,

rhaid diystyru'r taliad hwnnw fel incwm.

Diystyru cyfraniad

81. Pan fo'r ceisydd neu bartner y ceisydd yn fyfyriwr ac at y diben o asesu cyfraniad i grant neu fenthyciad myfyriwr y myfyriwr, cymerwyd i ystyriaeth incwm y partner arall, rhaid diystyru swm sy'n hafal i'r cyfraniad hwnnw at y diben o asesu incwm y partner arall hwnnw.

Diystyriad pellach o incwm myfyriwr

82. Pan fo unrhyw ran o incwm myfyriwr wedi ei chymryd i ystyriaeth eisoes at y diben o asesu hawlogaeth y myfyriwr hwnnw i gael grant neu fenthyciad myfyriwr, rhaid diystyru'r swm a gymerwyd i ystyriaeth wrth asesu incwm y myfyriwr hwnnw.

Incwm a drinnir fel cyfalaf

83.—(1) Rhaid trin fel cyfalaf unrhyw swm ar ffurf ad-daliad o dreth incwm a ddiwyndwyd o incwm cyfamod myfyriwr.

(2) A payment from access funds, other than a payment to which sub-paragraph (3) applies, must be disregarded as income.

(3) Subject to sub-paragraph (4) of this paragraph and paragraph 40 of Schedule 7 (disregards in the calculation of income other than earnings: persons who are not pensioners)—

- (a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of the applicant's family; and
- (b) any payments from access funds which are used for any council tax or water charges for which that applicant or any other member of the applicant's family is liable,

must be disregarded as income to the extent of £20 per week.

(4) Where a payment from access funds is made—

- (a) on or after 1 September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
- (b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment must be disregarded as income.

Disregard of contribution

81. Where the applicant or the applicant's partner is a student and, for the purposes of assessing a contribution to the student's grant or student loan, the other partner's income has been taken into account, an amount equal to that contribution must be disregarded for the purposes of assessing that other partner's income.

Further disregard of student's income

82. Where any part of a student's income has already been taken into account for the purposes of assessing that student's entitlement to a grant or student loan, the amount taken into account must be disregarded in assessing that student's income.

Income treated as capital

83.—(1) Any amount by way of a refund of tax deducted from a student's covenant income must be treated as capital.

(2) Rhaid trin fel cyfalaf unrhyw swm a delir o gronfeydd mynediad fel cyfandaliad sengl.

(3) Rhaid i swm a delir o gronfeydd mynediad fel cyfandaliad sengl, a fwriedir ac a ddefnyddir ar gyfer eitem ac eithrio bwyd, dillad neu esgidiau cyffredin, tanwydd cartref neu rent, neu a ddefnyddir ar gyfer eitem ac eithrio unrhyw dreth gyngor neu daliadau dŵr y mae'r ceisydd hwnnw neu unrhyw aelod arall o deulu'r ceisydd yn atebol amdanynt, gael eu diystyru fel cyfalaf, ond am gyfnod, yn unig o 52 wythnos o ddyddiad y taliad.

Diystyru newidiadau sy'n digwydd yn ystod gwyliau'r haf

84. Wrth gyfrifo incwm myfyriwr, rhaid i awdurdod ddiystyru unrhyw newid yn y grant cynhaliath safonol, sy'n digwydd yn ystod y gwyliau haf cydnabyddedig sy'n briodol i gwrs y myfyriwr, os nad yw'r gwyliau hynny'n ffurfio rhan o gyfnod astudio'r myfyriwr o'r dyddiad y digwyddodd y newid hyd at ddiwedd y gwyliau hynny.

RHAN 11

Gostyngiadau estynedig

Gostyngiadau estynedig: pensïynwyr

85. Mae paragraffau 86 i 91 yn gymwys mewn perthynas â cheiswyr sy'n bensiynwyr.

Gostyngiadau estynedig (budd-daliadau cyfrannol cymwys): pensïynwyr

86.—(1) Ac eithrio yn achos ceisydd sy'n cael credyd pensiwn y wladwriaeth, bydd gan geisydd sydd â hawl i ostyngiad o dan y cynllun hwn (yn rhinwedd perthyn i ddsbarth A neu B) yr hawl i gael gostyngiad estynedig (budd-daliadau cyfrannol cymwys)—

- (a) os oedd hawl gan y ceisydd neu bartner y ceisydd i gael budd-dal cyfrannol cymwys;
- (b) os peidiodd yr hawlogaeth i gael budd-dal cyfrannol cymwys oherwydd bod y ceisydd neu bartner y ceisydd—
 - (i) wedi cychwyn cyflogaeth fel enillydd cyflogedig neu hunangyflogedig;
 - (ii) wedi cynyddu eu henillion o gyflogaeth o'r fath; neu
 - (iii) wedi cynyddu nifer yr oriau a weithid mewn cyflogaeth o'r fath,

a disgwylir i'r gyflogaeth honno neu, yn ôl fel y digwydd, y cynnydd hwnnw yn yr enillion,

(2) An amount paid from access funds as a single lump sum must be treated as capital.

(3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or any other member of the applicant's family is liable, must be disregarded as capital but only for a period of 52 weeks from the date of the payment.

Disregard of changes occurring during summer vacation

84. In calculating a student's income the authority must disregard any change in the standard maintenance grant, occurring in the recognised summer vacation appropriate to the student's course, if that vacation does not form part of the student's period of study from the date on which the change occurred to the end of that vacation.

PART 11

Extended reductions

Extended reductions: pensioners

85. Paragraphs 86 to 91 apply in relation to applicants who are pensioners.

Extended reductions (qualifying contributory benefits): pensioners

86.—(1) Except in the case of an applicant who is in receipt of state pension credit, an applicant who is entitled to a reduction under this scheme (by virtue of falling within class A or B) must be entitled to an extended reduction (qualifying contributory benefits) where—

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, those increased earnings or increased number

neu'r cynnydd hwnnw yn nifer yr oriau, barhau am bum wythnos neu ragor;

- (c) os oedd y ceisydd neu bartner y ceisydd wedi bod â hawl i gael, ac wedi bod yn cael, budd-dal cyfrannol cymwys neu gyfuniad o fudd-daliadau cyfrannol cymwys am gyfnod di-dor o 26 wythnos o leiaf, cyn y diwrnod y peidiodd yr hawlogaeth i gael budd-dal cyfrannol cymwys; a
- (d) nad oedd hawl gan y ceisydd neu bartner y ceisydd i gael, ac nad oedd yn cael, budd-dal cymwys ar sail incwm, yn yr wythnos ostyngiad olaf pan oedd hawl gan y ceisydd, neu bartner y ceisydd i gael budd-dal cyfrannol cymwys.

(2) Rhaid trin ceisydd fel pe bai hawl ganddo i gael gostyngiad o dan y cynllun hwn yn rhinwedd perthyn i ddsbarth A neu B—

- (a) os peidiodd hawl y ceisydd i gael gostyngiad o dan y cynllun hwn oherwydd bod ceisydd wedi gadael yr annedd yr oedd y ceisydd yn preswyllo ynddi;
- (b) os oedd y diwrnod y gadawodd y ceisydd yr annedd naill ai yn yr wythnos y peidiodd ei hawlogaeth i fudd-dal cyfrannol cymwys, neu yn yr wythnos flaenorol; ac
- (c) os peidiodd yr hawlogaeth i fudd-dal cyfrannol cymwys mewn unrhyw un o'r amgylchiadau a restrir yn is-baragraff (1)(b).

Parhad y cyfnod gostyngiad estynedig (budd-daliadau cyfrannol cymwys): pensïynwyr

87.—(1) Pan fo gan geisydd hawl i gael gostyngiad estynedig (budd-daliadau cyfrannol cymwys), mae'r cyfnod gostyngiad estynedig yn cychwyn ar y diwrnod sy'n dilyn yn union ar ôl y diwrnod y daeth hawl y ceisydd, neu bartner y ceisydd, i gael budd-dal cyfrannol cymwys i ben.

(2) Mae'r cyfnod gostyngiad estynedig yn dod i ben—

- (a) ar ddiwedd cyfnod o bedair wythnos; neu
- (b) ar y dyddiad pan nad yw'r ceisydd sy'n cael y gostyngiad estynedig (budd-daliadau cyfrannol cymwys) yn atebol am dreth gyngor, os yw hynny'n digwydd gyntaf.

Swm y gostyngiad estynedig (budd-daliadau cyfrannol cymwys): pensïynwyr

88.—(1) Ar gyfer unrhyw wythnos yn ystod y cyfnod gostyngiad estynedig, swm y gostyngiad estynedig (budd-daliadau cyfrannol cymwys) y mae hawl gan y ceisydd i'w gael yw'r mwyaf o'r canlynol—

of hours are expected to last five weeks or more;

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

(2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within class A or B where—

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

Duration of extended reduction period (qualifying contributory benefits): pensioners

87.—(1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the day immediately following the day on which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

(2) The extended reduction period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant who is receiving the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

Amount of extended reduction (qualifying contributory benefits): pensioners

88.—(1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) the applicant is entitled to is the greater of—

- (a) swm y gostyngiad treth gyngor yr oedd hawl gan y ceisydd i'w gael yn rhinwedd perthyn i ddsbarth A neu B yn yr wythnos ostyngiad olaf cyn i hawl y ceisydd neu bartner y ceisydd i gael budd-dal cyfrannol cymwys ddod i ben;
- (b) swm y gostyngiad o dan y cynllun hwn y byddai hawl wedi bod gan y ceisydd i'w gael yn rhinwedd perthyn i ddsbarth A neu B ar gyfer unrhyw wythnos ostyngiad yn ystod y cyfnod gostyngiad estynedig, pe na bai paragraff 86 (gostyngiadau estynedig (budd-daliadau cyfrannol cymwys): pensiywyr) yn gymwys i'r ceisydd; neu
- (c) swm y gostyngiad o dan y cynllun hwn y byddai hawl wedi bod gan bartner y ceisydd i'w gael yn rhinwedd perthyn i ddsbarth A neu B, pe na bai paragraff 86 yn gymwys i'r ceisydd.

(2) Nid yw is-baragraff (1) yn gymwys yn achos symudwr.

(3) Pan fo ceisydd yn cael gostyngiad estynedig (budd-daliadau cyfrannol cymwys) o dan y paragraff hwn, a bod partner y ceisydd yn gwneud cais am ostyngiad o dan y cynllun hwn, rhaid i awdurdod beidio â dyfarnu gostyngiad yn unol â'r cais hwnnw yn ystod y cyfnod gostyngiad estynedig.

Gostyngiadau estynedig (budd-daliadau cyfrannol cymwys) – symudwyr: pensiywyr

89.—(1) Mae'r paragraff hwn yn gymwys—

- (a) i symudwr(1); a
- (b) o'r dydd Llun sy'n dilyn diwrnod y symud.

(2) Swm y gostyngiad estynedig (budd-daliadau cyfrannol cymwys) a ddyfernir, o'r dydd Llun pan ddaw'r paragraff hwn yn gymwys tan ddiwedd y cyfnod gostyngiad estynedig, yw swm y gostyngiad a ddyfarnwyd i'r symudwr o dan y cynllun hwn ar gyfer yr wythnos ostyngiad olaf cyn y daeth hawl y symudwr, neu bartner y symudwr, i gael budd-dal cyfrannol cymwys i ben.

(3) Os yw atebolrwydd symudwr i dalu treth gyngor mewn perthynas â'r annedd newydd yn atebolrwydd i ail awdurdod, caiff y gostyngiad estynedig (budd-daliadau cyfrannol cymwys) gymryd ffurf taliad gan yr awdurdod cyntaf i—

- (a) yr ail awdurdod; neu
- (b) yn uniongyrchol i'r symudwr.

(1) *Gweler* hefyd baragraff 103 mewn perthynas â phersonau sy'n symud i ardal yr awdurdod o ardal awdurdod arall.

- (a) the amount of council tax reduction to which the applicant was entitled by virtue of falling within class A or B in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled by virtue of falling within class A or B for any reduction week during the extended reduction period, if paragraph 86 (extended reductions (qualifying contributory benefits): pensioners) did not apply to the applicant; or
- (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within class A or B, if paragraph 86 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, the authority will not award a reduction in pursuance of that application during the extended reduction period.

Extended reductions (qualifying contributory benefits)-movers: pensioners

89.—(1) This paragraph applies—

- (a) to a mover(1); and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefit) awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was awarded to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

- (a) the second authority; or
- (b) the mover directly.

(1) *See* also paragraph 103 in relation to persons moving into the area of the authority from another authority's area.

Y berthynas rhwng gostyngiad estynedig (budd-daliadau cyfrannol cymwys) a hawlogaeth i ostyngiad treth gyngor yn rhinwedd perthyn i ddsbarth A neu B

90.—(1) Os byddai gostyngiad ceisydd o dan y cynllun hwn wedi dod i ben pan beidiodd hawl y ceisydd i fudd-dal cyfrannol cymwys yn yr amgylchiadau a restrir ym mharagraff 86(1)(b) (gostyngiadau estynedig (budd-daliadau cyfrannol cymwys): pensiynwyr), ni fydd y gostyngiad hwnnw'n peidio â chael effaith tan ddiwedd y cyfnod gostyngiad estynedig.

(2) Ni fydd Rhan 12 (cyfnod yr hawlogaeth a newid yn yr amgylchiadau) yn gymwys i unrhyw ostyngiad estynedig (budd-daliadau cyfrannol cymwys) sy'n daladwy yn unol â pharagraff 88(1)(a) neu baragraff 89(2) (swm gostyngiad estynedig – symudwyr: pensiynwyr).

Gostyngiadau parhaus pan hawlir credyd pensiwn y wladwriaeth: pensiynwyr

91.—(1) Mae'r paragraff hwn yn gymwys pan fo—

- (a) hawl gan y ceisydd i gael gostyngiad o dan y cynllun hwn;
- (b) is-baragraff (2) wedi ei fodloni; ac
- (c) naill ai—
 - (i) y ceisydd wedi cyrraedd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth neu, os parhaodd hawlogaeth y ceisydd i lwfans ceisio gwaith ar sail incwm neu lwfans cyflogaeth a chymorth ar sail incwm y tu hwnt i'r oedran hwnnw, wedi cyrraedd 65 mlwydd oed; neu
 - (ii) partner y ceisydd wedi hawlio credyd pensiwn y wladwriaeth mewn gwirionedd.

(2) Ni fodlonir yr is-baragraff hwn ac eithrio pan fo'r Ysgrifennydd Gwladol wedi ardystio wrth yr awdurdod fod partner y ceisydd wedi hawlio credyd pensiwn y wladwriaeth mewn gwirionedd, neu fod—

- (a) dyfarniad y ceisydd o—
 - (i) cymhorthdal incwm wedi terfynu oherwydd bod y ceisydd wedi cyrraedd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth; neu
 - (ii) lwfans ceisio gwaith ar sail incwm neu lwfans cyflogaeth a chymorth ar sail incwm wedi terfynu oherwydd bod y ceisydd wedi cyrraedd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth neu 65 mlwydd oed; a

Relationship between extended reduction (qualifying contributory benefits) and entitlement to a reduction by virtue of falling within class A or B

90.—(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 86(1)(b) (extended reductions (qualifying contributory benefits): pensioners), that reduction does not cease to have effect until the end of the extended reduction period.

(2) Part 12 (period of entitlement and changes of circumstances) will not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 88(1)(a) or paragraph 89(2) (amount of extended reduction — movers: pensioners).

Continuing reductions where state pension credit claimed: pensioners

91.—(1) This paragraph applies where—

- (a) the applicant is entitled to a reduction under this scheme;
- (b) sub-paragraph (2) is satisfied; and
- (c) either—
 - (i) the applicant has attained the qualifying age for state pension credit or, if the applicant's entitlement to income-based jobseeker's allowance or income-related employment and support allowance continued beyond that age, has attained the age of 65; or
 - (ii) the applicant's partner has actually claimed state pension credit.

(2) This sub-paragraph is only satisfied if the Secretary of State has certified to the authority that the applicant's partner has actually claimed state pension credit or that—

- (a) the applicant's award of—
 - (i) income support has terminated because the applicant has attained the qualifying age for state pension credit; or
 - (ii) income-based jobseeker's allowance or income-related employment and support allowance has terminated because the applicant has attained the qualifying age for state pension credit or the age of 65; and

- (b) y ceisydd wedi hawlio neu'n cael ei drin fel pe bai wedi hawlio neu ei bod yn ofynnol i'r ceisydd wneud hawliad am greidd pensiwn y wladwriaeth.

(3) Yn ddarostyngedig i is-baragraff (4), mewn achos pan fo'r paragraff hwn yn gymwys rhaid parhau i ddyfarnu gostyngiad o dan y cynllun hwn am y cyfnod o 4 wythnos sy'n cychwyn ar y diwrnod sy'n dilyn y diwrnod y peidiodd hawlogaeth y ceisydd i gael cymhorthdal incwm neu, yn ôl fel y digwydd, lwfans ceisio gwaith ar sail incwm neu lwfans cyflogaeth a chymorth ar sail incwm, os yw'r ceisydd, a chyhyd ag y bo'r ceisydd, fel arall yn bodloni'r amodau ar gyfer hawlogaeth i gael gostyngiad o dan y cynllun hwn.

(4) Pan ddyfermir gostyngiad o dan y cynllun hwn am y cyfnod o 4 wythnos yn unol ag is-baragraff (3) uchod, a diwrnod olaf y cyfnod hwnnw'n digwydd ar ddiwrnod nad yw'n ddiwrnod olaf wythnos ostyngiad, yna rhaid parhau i ddyfarnu'r gostyngiad o dan y cynllun hwn tan ddiwedd yr wythnos ostyngiad y mae diwrnod olaf y cyfnod hwnnw'n digwydd ynddi.

(5) Drwy gydol y cyfnod o 4 wythnos a bennir yn is-baragraff (3) ac unrhyw gyfnod pellach a bennir yn is-baragraff (4)—

- (a) rhaid diystyru'r cyfan o incwm a chyfalaf y ceisydd;
- (b) uchafswm gostyngiad treth gyngor y ceisydd fydd yr hyn a oedd yn gymwys yn achos y ceisydd yn union cyn dechrau'r cyfnod hwnnw.

(6) Rhaid cyfrifo'r uchafswm gostyngiad treth gyngor yn unol â pharagraff 27(1) os, er y dyddiad pan gyfrifwyd ef ddiwethaf—

- (a) bu cynnydd yn atebolrwydd treth gyngor y ceisydd; neu
- (b) daeth newid yn ddyladwy yn y didyniad o dan baragraff 28 (didyniadau annibynyddion).

Gostyngiadau estynedig: personau nad ydynt yn bensiynwyr (cyffredinol)

92. Mae paragraffau 93 i 102 yn gymwys mewn perthynas â cheiswyr nad ydynt yn bensiynwyr.

Gostyngiadau estynedig: personau nad ydynt yn bensiynwyr

93.—(1) Bydd gan geisydd sydd â hawl i ostyngiad o dan y cynllun hwn (yn rhinwedd perthyn i ddsbarth C neu D) yr hawl i gael gostyngiad estynedig—

- (a) os oedd hawl gan y ceisydd neu bartner y ceisydd i gael budd-dal cymwys ar sail incwm;

- (b) the applicant has claimed or is treated as having claimed or is required to make a claim for state pension credit.

(3) Subject to sub-paragraph (4), in a case to which this paragraph applies, a person continues to be entitled to a reduction under this scheme for the period of 4 weeks beginning on the day following the day the applicant's entitlement to income support or, as the case may be, income-based jobseeker's allowance, income-related employment and support allowance, ceased, if and for so long as the applicant otherwise satisfies the conditions for entitlement to a reduction under this scheme.

(4) Where a reduction under this scheme is awarded for the period of 4 weeks in accordance with sub-paragraph (3) above, and the last day of that period falls on a day other than the last day of a reduction week, then a reduction under this scheme is to continue to be awarded until the end of the reduction week in which the last day of that period falls.

(5) Throughout the period of 4 weeks specified in sub-paragraph (3) and any further period specified in sub-paragraph (4)—

- (a) the whole of the income and capital of the applicant is to be disregarded;
- (b) the applicant's maximum council tax reduction is to be that which was applicable in the applicant's case immediately before that period commenced.

(6) The maximum council tax reduction is to be calculated in accordance with paragraph 27(1) if, since the date it was last calculated—

- (a) the applicant's council tax liability has increased; or
- (b) a change in the deduction under paragraph 28 (non-dependant deductions) falls to be made.

Extended reductions: persons who are not pensioners (general)

92. Paragraphs 93 to 102 apply in relation to applicants who are not pensioners.

Extended reductions: persons who are not pensioners

93.—(1) An applicant who is entitled to a reduction under this scheme (by virtue of falling within class C or D) is to be entitled to an extended reduction where—

- (a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;

- (b) os peidiodd yr hawlogaeth i gael budd-dal cymwys ar sail incwm oherwydd bod y ceisydd neu bartner y ceisydd—
 - (i) wedi cychwyn cyflogaeth fel enillydd cyflogedig neu hunangyflogedig;
 - (ii) wedi cynyddu eu henillion o gyflogaeth o'r fath; neu
 - (iii) wedi cynyddu nifer yr oriau a weithid mewn cyflogaeth o'r fath,

a disgwylir i'r gyflogaeth honno neu, yn ôl fel y digwydd, yr enillion uwch hynny, neu'r nifer uwch o oriau, barhau am bum wythnos neu ragor; ac

- (c) os oedd y ceisydd neu bartner y ceisydd wedi bod â hawl i gael, ac wedi bod yn cael, budd-dal cymwys ar sail incwm, lwfans ceisio gwaith neu gyfuniad o'r budd-daliadau hynny am gyfnod di-dor o 26 wythnos o leiaf, cyn y dyddiad y peidiodd yr hawlogaeth i gael budd-dal cymwys ar sail incwm.

(2) At ddibenion is-baragraff (1)(c), rhaid trin ceisydd neu bartner ceisydd fel pe bai hawl wedi bod ganddo i gael, ac wedi bod yn cael, budd-dal cymwys ar sail incwm neu lwfans ceisio gwaith yn ystod unrhyw gyfnod o lai na phum wythnos pan nad oedd hawl gan y ceisydd na phartner y ceisydd, mewn perthynas â'r cyfnod hwnnw, i gael unrhyw un o'r budd-daliadau hynny oherwydd bod y ceisydd neu bartner y ceisydd yn ymgymryd â gwaith am dâl o ganlyniad i gymryd rhan mewn rhaglen parth cyflogaeth.

(3) At ddibenion y paragraff hwn, pan fo ceisydd neu bartner ceisydd yn meddu'r hawl i gael, ac yn cael, lwfans ceisio gwaith cyd-hawliad, rhaid eu trin fel pe baent yn meddu'r hawl i gael, ac yn cael, lwfans ceisio gwaith.

(4) Rhaid trin ceisydd fel pe bai hawl ganddo i gael gostyngiad o dan y cynllun hwn yn rhinwedd perthyn i ddsbarth C neu D—

- (a) os peidiodd hawl y ceisydd i gael gostyngiad o dan y cynllun hwn oherwydd bod ceisydd wedi gadael yr annedd yr oedd y ceisydd yn preswyllo ynddi;
- (b) os oedd y diwrnod y gadawodd y ceisydd yr annedd naill ai yn yr wythnos y peidiodd ei hawlogaeth i fudd-dal cymwys ar sail incwm, neu yn yr wythnos flaenorol; ac
- (c) os peidiodd yr hawlogaeth i fudd-dal cymwys ar sail incwm mewn unrhyw un o'r amgylchiadau a restrir yn is-baragraff (1)(b).

(5) Nid yw'r paragraff hwn yn gymwys os oedd rheoliad 6(5) o Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987 (gwaith am dâl: costau tai) yn

- (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more; and

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

(2) For the purpose of sub-paragraph (1)(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

(3) For the purpose of this paragraph, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they are to be treated as being entitled to and in receipt of jobseeker's allowance.

(4) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within class C or D where—

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

(5) This paragraph does not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support

gymwys mewn perthynas â cheisydd ar y diwrnod cyn y peidiodd hawlogaeth y ceisydd hwnnw i gael cymhorthdal incwm.

Parhad y cyfnod gostyngiad estynedig: personau nad ydynt yn bensiynwyr

94.—(1) Pan fo hawl gan geisydd i gael gostyngiad estynedig, mae'r cyfnod gostyngiad estynedig yn cychwyn ar y diwrnod sy'n dilyn yn union ar ôl y diwrnod y daeth hawl y ceisydd, neu bartner y ceisydd, i gael budd-dal cymwys ar sail incwm i ben.

(2) Mae'r cyfnod gostyngiad estynedig yn dod i ben—

- (a) ar ddiwedd cyfnod o bedair wythnos; neu
- (b) ar y dyddiad pan na fydd y ceisydd y mae'r gostyngiad estynedig yn daladwy iddo yn atebol am dreth gyngor, os digwydd hynny gyntaf.

Swm y gostyngiad estynedig: personau nad ydynt yn bensiynwyr

95.—(1) Ar gyfer unrhyw wythnos yn ystod y cyfnod gostyngiad estynedig, swm y gostyngiad estynedig y mae hawl gan y ceisydd i'w gael o dan y cynllun hwn yw'r mwyaf o'r canlynol—

- (a) swm y gostyngiad yr oedd hawl gan y ceisydd i'w gael yn rhinwedd perthyn i ddsbarth C neu D yn yr wythnos ostyngiad olaf cyn i hawl y ceisydd neu bartner y ceisydd i gael budd-dal cymwys ar sail incwm ddod i ben;
- (b) swm y gostyngiad y byddai hawl wedi bod gan y ceisydd i'w gael yn rhinwedd perthyn i ddsbarth C neu D ar gyfer unrhyw wythnos ostyngiad yn ystod y cyfnod gostyngiad estynedig, pe na bai paragraff 93 (gostyngiadau estynedig: personau nad ydynt yn bensiynwyr) yn gymwys i'r ceisydd; neu
- (c) swm y gostyngiad y byddai hawl wedi bod gan bartner y ceisydd i'w gael yn rhinwedd perthyn i ddsbarth C neu D, pe na bai paragraff 93 yn gymwys i'r ceisydd.

(2) Nid yw is-baragraff (1) yn gymwys yn achos symudwr.

(3) Pan fo ceisydd yn cael gostyngiad estynedig o dan y paragraff hwn, a phartner y ceisydd yn gwneud cais am ostyngiad o dan y cynllun hwn, rhaid i'r awdurdod beidio â dyfarnu unrhyw ostyngiad o dan y cynllun hwn yn ystod y cyfnod gostyngiad estynedig.

(General) Regulations 1987 (remunerative work: housing costs) applied to that applicant.

Duration of extended reduction period: persons who are not pensioners

94.—(1) Where an applicant is entitled to an extended reduction, the extended reduction period starts on the day immediately following the day on which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

(2) The extended reduction period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended reduction is payable has no liability for council tax, if that occurs first.

Amount of extended reduction: persons who are not pensioners

95.—(1) For any week during the extended reduction period the amount of the extended reduction to which an applicant is entitled is to be the greater of the amount of reduction under this scheme to which—

- (a) the applicant was entitled by virtue of falling within class C or D in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the applicant would be entitled by virtue of falling within class C or D for any reduction week during the extended reduction period, if paragraph 93 (extended reductions: persons who are not pensioners) did not apply to the applicant; or
- (c) the applicant's partner would be entitled by virtue of falling within class C or D, if paragraph 93 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction under this scheme is to be awarded by the authority during the extended reduction period.

Gostyngiadau estynedig – symudwyr: personau nad ydynt yn bensiynwyr

96.—(1) Mae'r paragraff hwn yn gymwys—

- (a) i symudwr; a
- (b) o'r dydd Llun sy'n dilyn diwrnod y symud.

(2) Swm y gostyngiad estynedig a ddyfernir, o'r dydd Llun pan ddaw'r paragraff hwn yn gymwys tan ddiwedd y cyfnod gostyngiad estynedig, yw swm y gostyngiad o dan y cynllun hwn, y byddai hawl wedi bod gan y symudwr i'w gael pe na bai hawl y symudwr, neu bartner y symudwr, i gael budd-dal cymwys ar sail incwm wedi dod i ben.

(3) Pan fo atebolrwydd symudwr i dalu treth gyngor mewn perthynas â'r annedd newydd yn atebolrwydd i ail awdurdod, caiff y gostyngiad estynedig gymryd ffurf taliad gan yr awdurdod cyntaf i—

- (a) yr ail awdurdod; neu
- (b) yn uniongyrchol i'r symudwr.

Y berthynas rhwng gostyngiad estynedig a hawlogaeth i ostyngiad yn rhinwedd perthyn i ddsbarth C neu D

97.—(1) Os byddai gostyngiad ceisydd o dan y cynllun hwn wedi dod i ben pan beidiodd hawl y ceisydd i fudd-dal cymwys ar sail incwm yn yr amgylchiadau a restrir ym mharagraff 93(1)(b), ni fydd yr hawlogaeth honno'n peidio â chael effaith tan ddiwedd y cyfnod gostyngiad estynedig.

(2) Ni fydd paragraffau 104 a 105 (cyfnod yr hawlogaeth a newid yn yr amgylchiadau) yn gymwys i unrhyw ostyngiad estynedig sy'n daladwy yn unol â pharagraff 95(1)(a) neu 96(2) (swm y gostyngiad estynedig – symudwyr: personau nad ydynt yn bensiynwyr).

Gostyngiadau estynedig (budd-daliadau cyfrannol cymwys): personau nad ydynt yn bensiynwyr

98.—(1) Bydd gan geisydd sydd â hawl i gael gostyngiad o dan y cynllun hwn (yn rhinwedd perthyn i ddsbarth C neu D) yr hawl i gael gostyngiad estynedig (budd-daliadau cyfrannol cymwys)—

- (a) os oedd hawl gan y ceisydd neu bartner y ceisydd i gael budd-dal cyfrannol cymwys;
- (b) os peidiodd yr hawlogaeth i gael budd-dal cyfrannol cymwys oherwydd bod y ceisydd neu bartner y ceisydd—
 - (i) wedi cychwyn cyflogaeth fel enillydd cyflogedig neu hunangyflogedig;

Extended reductions-movers: persons who are not pensioners

96.—(1) This paragraph applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme to which the mover would have been entitled had the mover, or the mover's partner, not ceased to be entitled to a qualifying income-related benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

- (a) the second authority; or
- (b) the mover directly.

Relationship between extended reduction and entitlement to reduction by virtue of falling within class C or D

97.—(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 93(1)(b) (extended reductions: persons who are not pensioners), that entitlement does not cease until the end of the extended reduction period.

(2) Paragraphs 104 and 105 (period of entitlement and change of circumstances) do not apply to any extended reduction payable in accordance with paragraph 95(1)(a) or 96(2) (amount of extended reduction-movers: persons who are not pensioners).

Extended reductions (qualifying contributory benefits): persons who are not pensioners

98.—(1) An applicant who is entitled to a reduction under this scheme by virtue of falling within class C or D will be entitled to an extended reduction (qualifying contributory benefits) where—

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;

- (ii) wedi cynyddu eu henillion o gyflogaeth o'r fath; neu
- (iii) wedi cynyddu nifer yr oriau a weithid mewn cyflogaeth o'r fath,

a disgwylir i'r gyflogaeth honno neu, yn ôl fel y digwydd, yr enillion uwch hynny, neu'r nifer uwch o oriau, barhau am bum wythnos neu ragor;

- (c) os oedd y ceisydd neu bartner y ceisydd wedi bod â hawl i gael, ac wedi bod yn cael, budd-dal cyfrannol cymwys neu gyfuniad o fudd-daliadau cyfrannol cymwys am gyfnod di-dor o 26 wythnos o leiaf, cyn y diwrnod y peidiodd yr hawlogaeth i gael budd-dal cyfrannol cymwys; a
- (d) nad oedd hawl gan y ceisydd neu bartner y ceisydd i gael, ac nad oedd yn cael, budd-dal cymwys ar sail incwm, yn yr wythnos ostyngiad olaf pan oedd hawl gan y ceisydd, neu bartner y ceisydd i gael budd-dal cyfrannol cymwys.

(2) Rhaid trin ceisydd fel pe bai hawl ganddo i ostyngiad o dan y cynllun hwn yn rhinwedd perthyn i ddsbarth C neu D—

- (a) os peidiodd hawl y ceisydd i gael gostyngiad o dan y cynllun hwn oherwydd bod y ceisydd wedi gadael yr annedd yr oedd y ceisydd yn preswyllo ynddi;
- (b) os oedd y diwrnod y gadawodd y ceisydd yr annedd naill ai yn yr wythnos y peidiodd ei hawlogaeth i gael budd-dal cyfrannol cymwys, neu yn yr wythnos flaenorol; ac
- (c) os peidiodd yr hawlogaeth i fudd-dal cyfrannol cymwys mewn unrhyw un o'r amgylchiadau a restrir yn is-baragraff (1)(b).

Parhad y cyfnod gostyngiad estynedig (budd-daliadau cyfrannol cymwys): personau nad ydynt yn bensiynwyr

99.—(1) Pan fo hawl gan geisydd i gael gostyngiad estynedig (budd-daliadau cyfrannol cymwys), mae'r cyfnod gostyngiad estynedig yn cychwyn ar y diwrnod sy'n dilyn yn union ar ôl y diwrnod y daeth hawl y ceisydd, neu bartner y ceisydd, i gael budd-dal cyfrannol cymwys i ben.

(2) Mae'r cyfnod gostyngiad estynedig yn dod i ben—

- (a) ar ddiwedd cyfnod o bedair wythnos; neu
- (b) ar y dyddiad pan nad yw'r ceisydd sy'n cael y gostyngiad estynedig (budd-daliadau cyfrannol cymwys) yn atebol am dreth gyngor, os yw hynny'n digwydd gyntaf.

- (ii) increased their earnings from such employment; or
- (iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

(2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within class C or D where—

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

Duration of extended reduction period (qualifying contributory benefits): persons who are not pensioners

99.—(1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the day immediately following the day on which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

(2) The extended reduction period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant entitled to the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

Swm y gostyngiad estynedig (budd-daliadau cyfrannol cymwys): personau nad ydynt yn bensiynwyr

100.—(1) Ar gyfer unrhyw wythnos yn ystod y cyfnod gostyngiad estynedig, swm y gostyngiad estynedig (budd-daliadau cyfrannol cymwys) a fydd yn daladwy i geisydd o dan y cynllun hwn fydd y mwyaf o'r canlynol—

- (a) swm y gostyngiad yr oedd hawl gan y ceisydd i'w gael yn rhinwedd perthyn i ddsbarth C neu D yn yr wythnos ostyngiad olaf cyn i hawl y ceisydd neu bartner y ceisydd i gael budd-dal cyfrannol cymwys ddod i ben;
- (b) swm y gostyngiad y byddai hawl wedi bod gan y ceisydd i'w gael yn rhinwedd perthyn i ddsbarth C neu D ar gyfer unrhyw wythnos ostyngiad yn ystod y cyfnod gostyngiad estynedig, pe na bai paragraff 98 (gostyngiadau estynedig (budd-daliadau cyfrannol cymwys): personau nad ydynt yn bensiynwyr) yn gymwys i'r ceisydd; neu
- (c) swm y gostyngiad y byddai hawl wedi bod gan bartner y ceisydd i'w gael yn rhinwedd perthyn i ddsbarth C neu D, pe na bai paragraff 98 yn gymwys i'r ceisydd.

(2) Nid yw is-baragraff (1) yn gymwys yn achos symudwr.

(3) Pan fo ceisydd yn cael gostyngiad estynedig (budd-daliadau cyfrannol cymwys) o dan y paragraff hwn, os yw partner y ceisydd yn gwneud cais am ostyngiad o dan y cynllun hwn, rhaid i'r awdurdod beidio â dyfarnu unrhyw ostyngiad o dan y cynllun hwn yn ystod y cyfnod gostyngiad estynedig.

Gostyngiadau estynedig (budd-daliadau cyfrannol cymwys) – symudwyr: personau nad ydynt yn bensiynwyr

101.—(1) Mae'r paragraff hwn yn gymwys—

- (a) i symudwr; a
- (b) o'r dydd Llun sy'n dilyn diwrnod y symud.

(2) Swm y gostyngiad estynedig (budd-daliadau cyfrannol cymwys) a ddyfernir, o'r dydd Llun pan ddaw'r paragraff hwn yn gymwys tan ddiwedd y cyfnod gostyngiad estynedig, yw swm y gostyngiad a ddyfarnwyd i'r symudwr o dan y cynllun hwn ar gyfer yr wythnos ostyngiad olaf cyn y daeth hawl y symudwr, neu bartner y symudwr, i gael budd-dal cyfrannol cymwys i ben.

(3) Os yw atebolrwydd symudwr i dalu treth gyngor mewn perthynas â'r annedd newydd yn atebolrwydd i ail awdurdod, caiff y gostyngiad estynedig (budd-daliadau cyfrannol cymwys) gymryd ffurf taliad gan yr awdurdod hwn i—

Amount of extended reduction (qualifying contributory benefits): persons who are not pensioners

100.—(1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant is to be the greater of the amount of reduction under this scheme—

- (a) to which the applicant was entitled by virtue of falling within class C or D in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) to which the applicant would be entitled by virtue of falling within class C or D for any reduction week during the extended reduction period, if paragraph 98 (extended reductions (qualifying contributory benefits): persons who are not pensioners) did not apply to the applicant; or
- (c) to which the applicant's partner would be entitled by virtue of falling within class C or D, if paragraph 98 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction under this scheme is to be awarded by the authority during the extended reduction period.

Extended reductions (qualifying contributory benefits)-movers: persons who are not pensioners

101.—(1) This paragraph applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefits) awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was awarded to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

- (a) yr ail awdurdod; neu
- (b) yn uniongyrchol i'r symudwr.

- (a) that second authority; or
- (b) the mover directly.

Y berthynas rhwng gostyngiad estynedig (budd-daliadau cyfrannol cymwys) a hawlogoeth i ostyngiad yn rhinwedd perthyn i ddsbarth C neu D

102.—(1) Os byddai gostyngiad ceisydd o dan y cynllun hwn wedi dod i ben pan beidiodd hawl y ceisydd i fudd-dal cyfrannol cymwys yn yr amgylchiadau a restrir ym mharagraff 98(1)(b) (gostyngiadau estynedig (budd-daliadau cyfrannol cymwys): personau nad ydynt yn bensiynwyr), ni fydd y gostyngiad hwnnw'n peidio â chael effaith tan ddiwedd y cyfnod gostyngiad estynedig.

(2) Ni fydd paragraffau 104 a 105 (cyfnod yr hawlogoeth a newid yn yr amgylchiadau) yn gymwys i unrhyw ostyngiad estynedig (budd-daliadau cyfrannol cymwys) sy'n daladwy yn unol â pharagraffau 100(1)(a) neu 101(2) (swm y gostyngiad estynedig – symudwyr: personau nad ydynt yn bensiynwyr).

Gostyngiadau estynedig: symudwyr i mewn i ardal awdurdod: personau nad ydynt yn bensiynwyr

103.—(1) Pan fo—

- (a) cais wedi ei wneud i awdurdod am ostyngiad o dan y cynllun hwn, a
- (b) y ceisydd, neu bartner y ceisydd, yn cael gostyngiad estynedig gan—
 - (i) awdurdod bilio arall yng Nghymru;
 - (ii) awdurdod bilio yn Lloegr;
 - (iii) awdurdod lleol yn yr Alban; neu
 - (iv) awdurdod lleol yng Ngogledd Iwerddon,
 rhaid i'r awdurdod leihau unrhyw ostyngiad y mae hawl gan y ceisydd i'w gael o dan y cynllun hwn, o swm y gostyngiad estynedig hwnnw.

(2) At ddibenion y paragraff hwn mae i “awdurdod bilio” yr ystyr a roddir i “billing authority” fel y'i diffinnir yn adran 1 o Ddeddf 1992.

RHAN 12

Cyfnod yr hawlogoeth a newid yn yr amgylchiadau

Y dyddiad pan fo hawlogoeth yn dechrau

104. Bydd gan unrhyw berson sy'n gwneud cais, neu y gwneir cais mewn perthynas ag ef, am ostyngiad o dan y cynllun hwn ac sydd â'r hawl fel arall i gael y gostyngiad hwnnw, hawl o'r fath o'r dyddiad y trinnir

Relationship between extended reduction (qualifying contributory benefits) and entitlement to reduction by virtue of falling within class C or D

102.—(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 98(1)(b) (extended reductions (qualifying contributory benefits): persons who are not pensioners), that reduction does not cease until the end of the extended reduction period.

(2) Paragraphs 104 and 105 (period of entitlement and change of circumstances) do not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraphs 100(1)(a) or 101(2) (amount of extended reduction-movers: persons who are not pensioners).

Extended reductions: movers into the authority's area: persons who are not pensioners

103.—(1) Where—

- (a) an application is made to the authority for a reduction under this scheme, and
- (b) the applicant, or the partner of the applicant, is in receipt of an extended reduction from—
 - (i) another billing authority in Wales;
 - (ii) a billing authority in England;
 - (iii) a local authority in Scotland, or
 - (iv) a local authority in Northern Ireland,

the authority must reduce any reduction to which the applicant is entitled under this scheme by the amount of that extended reduction.

(2) For the purposes of this paragraph “billing authority” (“awdurdod bilio”) means a billing authority as defined in section 1 of the 1992 Act.

PART 12

Period of entitlement and change of circumstances

Date on which entitlement begins

104. Any person by whom or in respect of whom an application for a reduction under this scheme is made and who is otherwise entitled to that reduction is to be so entitled from the date on which the application is

y cais fel pe bai wedi ei wneud yn unol â pharagraff 108 (y dyddiad pan wneir cais).

Y dyddiad pan fo newid yn yr amgylchiadau yn cael effaith

105.—(1) Ac eithrio mewn achosion pan fo paragraff 57 (diystyru newidiadau mewn treth, cyfraniadau, etc) yn gymwys, ac yn ddarostyngedig i ddarpariaethau canlynol y paragraff hwn ac (yn achos ceiswyr sy'n bensiynwyr), paragraff 106 (newid yn yr amgylchiadau pan delir credyd pensiwn y wladwriaeth), mae newid yn yr amgylchiadau sy'n effeithio ar hawlogaeth i ostyngiad o dan y cynllun hwn, neu ar swm y gostyngiad ("newid yn yr amgylchiadau"), yn cael effaith o'r diwrnod cyntaf y mae'r newid hwnnw'n digwydd mewn gwirionedd.

(2) Os y newid hwnnw yw terfynu hawlogaeth i unrhyw fudd-dal o dan y Deddfau budd-dal, y dyddiad y bydd y newid yn digwydd mewn gwirionedd fydd y diwrnod sy'n dilyn yn union ar ôl diwrnod olaf yr hawlogaeth i'r budd-dal hwnnw.

(3) Yn ddarostyngedig i is-baragraff (4), os y newid yn yr amgylchiadau yw newid yn swm y dreth gyngor sy'n daladwy, mae'n cael effaith o'r diwrnod y newidir y swm hwnnw mewn gwirionedd.

(4) Os y newid yn yr amgylchiadau yw newid yn y swm y mae person yn atebol i'w dalu mewn perthynas â threth gyngor o ganlyniad i reoliadau o dan adran 13 o Ddeddf 1992 (symiau gostyngedig o dreth gyngor) neu newidiadau yn y disgownt y gall annedd fod yn ddarostyngedig iddo o dan adran 11 neu 12 o'r Ddeddf honno, bydd yn cael effaith o'r diwrnod y bydd y newid yn y swm yn cael effaith.

(5) Os y newid yn yr amgylchiadau yw fod y ceisydd yn caffael partner, mae'r newid yn cael effaith ar y diwrnod y mae'r caffaeliad hwnnw'n digwydd.

(6) Os y newid yn yr amgylchiadau yw marwolaeth partner y ceisydd neu ymwahaniad y ceisydd â'r partner, mae'n cael effaith ar ddiwrnod y farwolaeth neu'r ymwahaniad.

(7) Os y newid yn yr amgylchiadau yw fod incwm, neu gynydd yn swm incwm, ac eithrio budd-dal neu gynydd yn swm budd-dal o dan DCBNC, wedi ei dalu mewn perthynas â chyfnod blaenorol ac nad oedd hawlogaeth i'r swm hwnnw o incwm yn ystod y cyfnod hwnnw, rhaid i'r newid yn yr amgylchiadau gael effaith o'r diwrnod cyntaf y byddai'r cyfryw incwm, pe bai wedi ei dalu fesul ysbaid priodol i'r incwm hwnnw yn y cyfnod hwnnw, wedi bod yn ddyladwy i'w gymryd i ystyriaeth at ddibenion y cynllun hwn.

(8) Heb leihau dim ar effaith is-baragraff (7), os y newid yn yr amgylchiadau yw talu incwm neu ôl-ddyled o incwm mewn perthynas â chyfnod blaenorol, mae'r newid yn yr amgylchiadau yn cael effaith o'r

treated as made in accordance with paragraph 108 (date on which application is made).

Date on which change of circumstances is to take effect

105.—(1) Except in cases where paragraph 57 (disregard of changes in tax, contributions, etc) applies and subject to the following provisions of this paragraph and (in the case of applicants who are pensioners) paragraph 106 (change of circumstances where state pension credit in payment), a change of circumstances which affects entitlement to, or the amount of, a reduction under this scheme ("change of circumstances"), takes effect from the first day on which the change actually occurs.

(2) Where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs will be the day immediately following the last day of entitlement to that benefit.

(3) Subject to sub-paragraph (4), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.

(4) Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under section 11 or 12 of that Act, it is to take effect from the day on which the change in amount has effect.

(5) Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.

(6) Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.

(7) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the SSCBA, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances is to take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

(8) Without prejudice to sub-paragraph (7), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in

diwrnod cyntaf y byddai'r cyfryw incwm, pe bai wedi ei dalu yn amserol fesul ysbaid priodol i'r incwm hwnnw yn y cyfnod hwnnw, wedi bod yn ddyladwy i'w gymryd i ystyriaeth at ddibenion y cynllun hwn.

Newid yn yr amgylchiadau pan delir credyd pensiwn y wladwriaeth

106.—(1) Mae is-baragraffau (2) i (4) yn gymwys pan fo—

- (a) y ceisydd yn cael credyd pensiwn y wladwriaeth;
- (b) y swm o greddyd pensiwn y wladwriaeth a ddyfernir i'r ceisydd yn newid, o ganlyniad i newid yn amgylchiadau'r ceisydd neu er mwyn cywiro camgymeriad swyddogol; ac
- (c) y newid yn y swm o greddyd pensiwn y wladwriaeth sy'n daladwy i'r ceisydd yn achosi newid yn swm y gostyngiad y mae'r ceisydd yn ei gael o dan y cynllun hwn.

(2) Os y newid mewn amgylchiad yw fod cynnydd yn y swm o greddyd pensiwn sy'n daladwy i'r ceisydd yn achos i—

- (a) cynnydd yn y gostyngiad a gaiff y ceisydd o dan y cynllun hwn, mae'r newid yn cael effaith ar y diwrnod y daw credyd pensiwn y wladwriaeth yn daladwy ar gyfradd uwch; neu
- (b) lleihad yn y gostyngiad a gaiff y ceisydd o dan y cynllun hwn, mae'r newid yn cael effaith ar y diwrnod—
 - (i) y daw credyd pensiwn y wladwriaeth yn daladwy ar gyfradd uwch; neu
 - (ii) y caiff yr awdurdod hysbysiad gan yr Ysgrifennydd Gwladol o'r cynnydd yn swm credyd pensiwn y wladwriaeth,

pa un bynnag yw'r diweddaraf.

(3) Os y newid mewn amgylchiad ("y newid perthnasol") yw fod credyd pensiwn y wladwriaeth a delir i'r ceisydd wedi ei leihau ac o ganlyniad fod y gostyngiad a gaiff y ceisydd o dan y cynllun hwn yn lleihau—

- (a) mewn achos pan fo credyd pensiwn y wladwriaeth a delir i'r ceisydd wedi ei leihau oherwydd bod y ceisydd wedi methu â hysbysu'r Ysgrifennydd Gwladol yn brydlon ynghylch newid yn ei amgylchiadau, mae'r newid perthnasol yn cael effaith ar y diwrnod y lleihawyd credyd pensiwn y wladwriaeth; neu
- (b) mewn unrhyw achos arall mae'r newid perthnasol yn cael effaith o'r diwrnod cyntaf—

that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

Change of circumstances where state pension credit in payment

106.—(1) Sub-paragraphs (2) to (4) apply where—

- (a) the applicant is in receipt of state pension credit;
- (b) the amount of state pension credit awarded to the applicant is changed in consequence of a change in the applicant's circumstances or the correction of an official error; and
- (c) the change in the amount of state pension credit payable to the applicant results in a change in the amount of a reduction the applicant receives under this scheme.

(2) Where the change of circumstance is that an increase in the amount of state pension credit payable to the applicant results in—

- (a) an increase in the reduction the applicant receives under this scheme, the change takes effect on the day on which the state pension credit becomes payable at the increased rate; or
- (b) a decrease in the reduction the applicant receives under this scheme, the change takes effect on the day on which—
 - (i) state pension credit becomes payable at the increased rate; or
 - (ii) the authority receives notification from the Secretary of State of the increase in the amount of state pension credit,

whichever is the later.

(3) Where the change of circumstance ("the relevant change") is that the applicant's state pension credit has been reduced and in consequence the reduction the applicant receives under this scheme reduces—

- (a) in a case where the applicant's state pension credit has been reduced because the applicant failed to notify the Secretary of State timeously of a change of circumstances, the relevant change takes effect on the day on which state pension credit was reduced; or
- (b) in any other case the relevant change takes effect from the first day on which—

- (i) y caiff credyd pensiwn y wladwriaeth ei leihau; neu
- (ii) y caiff yr awdurdod hysbysiad gan yr Ysgrifennydd Gwladol o'r lleihad yn swm credyd pensiwn y wladwriaeth,

pa un bynnag yw'r diweddaraf.

(4) Os y newid mewn amgylchiad yw fod credyd pensiwn y wladwriaeth a delir i'r ceisydd wedi ei leihau ac o ganlyniad i'r newid fod swm y gostyngiad a gaiff y ceisydd o dan y cynllun hwn yn cynyddu, mae'r newid yn cael effaith ar y diwrnod y daw credyd pensiwn y wladwriaeth yn daladwy ar y gyfradd is.

(5) Os y newid mewn amgylchiad sy'n digwydd yw fod dyfarniad o greddyd pensiwn y wladwriaeth wedi ei wneud i'r ceisydd neu bartner y ceisydd a bydd hynny'n achosi lleihad yn swm y gostyngiad a gaiff y ceisydd o dan y cynllun hwn, mae'r newid yn cael effaith ar y diwrnod—

- (a) pan fo'r hawlogaeth i gael credyd pensiwn y wladwriaeth yn dechrau; neu
- (b) pan fo'r awdurdod yn cael hysbysiad gan yr Ysgrifennydd Gwladol o'r dyfarniad o greddyd pensiwn y wladwriaeth,
- (c) pa un bynnag yw'r diweddaraf.

(6) Yn achos ceisydd y dyfarnwyd iddo, neu i'w bartner, greddyd pensiwn y wladwriaeth sy'n cynnwys y credyd cynilion yn unig, os digwydd—

- (a) newid amgylchiadau o fath a ddisgrifir yn unrhyw un o'r is-baragraffau (2) i (5), o ganlyniad i gyfrifiad neu amcangyfrif perthnasol; a
- (b) newid amgylchiadau sy'n benderfyniad perthnasol,
- (c) a bod pob un ohonynt yn peri newid yn swm y gostyngiad y mae'r ceisydd yn ei gael o dan y cynllun hwn, bydd y newid amgylchiadau y cyfeirir ato ym mharagraff (b) yn cael effaith o'r diwrnod a bennir yn is-baragraff (2), (3), (4) neu (5) yn ôl fel y digwydd, mewn perthynas â'r newid y cyfeirir ato ym mharagraff (a).

(7) Os y newid mewn amgylchiad sy'n digwydd yw fod dyfarniad o greddyd gwarant wedi ei wneud i'r ceisydd neu bartner y ceisydd a bydd hynny'n achosi cynnydd yn swm y gostyngiad a gaiff y ceisydd o dan y cynllun hwn, mae'r newid yn cael effaith ar y diwrnod y mae'r credyd gwarant yn daladwy gyntaf.

(8) Os byddai newid yn yr amgylchiadau, oni bai am yr is-baragraff hwn, yn cael effaith o dan ddarpariaethau blaenorol y paragraff hwn o fewn y cyfnod o 4 wythnos a bennir ym mharagraff 91 (gostyngiadau parhaus pan hawlir credyd pensiwn y wladwriaeth: pensynwyr),

- (i) the state pension credit is reduced; or
- (ii) the authority receives notification from the Secretary of State of the reduction in the amount of state pension credit,

whichever is the later.

(4) Where the change of circumstance is that the applicant's state pension credit is reduced and in consequence of the change, the amount of reduction the applicant receives under this scheme is increased, the change takes effect on the day on which state pension credit becomes payable at the reduced rate.

(5) Where a change of circumstance occurs in that an award of state pension credit has been made to the applicant or the applicant's partner and this would result in a decrease in the amount of reduction the applicant receives under this scheme, the change takes effect on the day on which—

- (a) entitlement to state credit pension begins; or
- (b) the authority receives notification from the Secretary of State of the award of state pension credit,
- (c) whichever is the later.

(6) Where, in the case of an applicant who, or whose partner, is or has been awarded state pension credit comprising only the savings credit, there is—

- (a) a change of circumstances of a kind described in any of sub-paragraphs (2) to (5) which results from a relevant calculation or estimate; and
- (b) a change of circumstances which is a relevant determination,
- (c) each of which results in a change in the amount of reduction the applicant receives under this scheme, the change of circumstances referred to in paragraph (b) takes effect from the day specified in sub-paragraph (2), (3), (4) or (5) as the case may be, in relation to the change referred to in paragraph (a).

(7) Where a change of circumstance occurs in that a guarantee credit has been awarded to the applicant or the applicant's partner and this would result in an increase in the amount of a reduction the applicant receives under this scheme, the change takes effect on the day on which the guarantee credit is first payable.

(8) Where a change of circumstances would, but for this sub-paragraph, take effect under the preceding provisions of this paragraph within the 4 week period specified in paragraph 91 (continuing reductions where state pension credit claimed: pensioners), that change

mae'r newid hwnnw'n cael effaith ar y diwrnod cyntaf ar ôl diwedd y cyfnod o 4 wythnos.

(9) Yn y paragraff hwn—

ystyr “camgymeriad swyddogol” (“*official error*”) yw camgymeriad a wnaed gan—

(a) yr awdurdod neu berson—

(i) a awdurdodwyd i gyflawni unrhyw un o swyddogaethau'r awdurdod mewn perthynas â'r cynllun hwn; neu

(ii) sy'n darparu gwasanaethau mewn perthynas â'r cynllun hwn, yn uniongyrchol neu'n anuniongyrchol i'r awdurdod; neu

(b) swyddog—

(i) yr Adran Gwaith a Phensiynau; neu

(ii) y Comisiynwyr Cyllid a Thollau,

tra'n gweithredu fel y cyfryw, ond nid yw'n cynnwys unrhyw gamgymeriad a achoswyd yn gyfan gwbl neu'n rhannol gan unrhyw berson neu gorff nas pennir ym mharagraff (a) neu (b) o'r diffiniad hwn, nac unrhyw wall cyfreithiol nas adnabuwyd fel gwall ac eithrio yn rhinwedd penderfyniad dilynol gan lys;

ystyr “cyfrifiad neu amcangyfrif perthnasol” (“*relevant calculation or estimate*”) yw'r cyfrifiad neu'r amcangyfrif o incwm a chyfalaf y ceisydd neu, yn ôl fel y digwydd, partner y ceisydd, a wneir gan yr Ysgrifennydd Gwladol at ddibenion dyfarnu credyd pensiwn y wladwriaeth;

ystyr “penderfyniad perthnasol” (“*relevant determination*”) yw newid yn y penderfyniad o incwm a chyfalaf y ceisydd, gan yr awdurdod gan ddefnyddio'r cyfrifiad neu amcangyfrif perthnasol, yn unol â pharagraff 33(1) (cyfrifo incwm pensiynwr mewn achosion o gredyd cynilion yn unig).

RHAN 13

Ceisiadau

Pwy gaiff wneud cais

107.—(1) Yn achos—

(a) cwpl neu (yn ddarostyngedig i baragraff (b)) aelodau priodas amlbriod, rhaid i gais gael ei wneud gan ba un bynnag ohonynt y cytunant ddylai wneud y cais neu, os methant â chytuno, gan ba un bynnag ohonynt y penderfyna'r awdurdod; neu

takes effect on the first day after the expiry of the 4 week period.

(9) In this paragraph—

“official error” (“*camgymeriad swyddogol*”) means an error made by—

(a) the authority or a person—

(i) authorised to carry out any function of the authority relating to this scheme; or

(ii) providing services relating to this scheme directly or indirectly to the authority; or

(b) an officer of—

(i) the Department for Work and Pensions; or

(ii) the Commissioners for Revenue and Customs,

acting as such, but excludes any error caused wholly or partly by any person or body not specified in paragraph (a) or (b) of this definition and any error of law which is shown to have been an error only by virtue of a subsequent decision of the court;

“relevant calculation or estimate” (“*cyfrifiad neu amcangyfrif perthnasol*”) means the calculation or estimate made by the Secretary of State of the applicant's or, as the case may be, the applicant's partner's income and capital for the purposes of the award of state pension credit;

“relevant determination” (“*penderfyniad perthnasol*”) means a change in the determination by the authority of the applicant's income and capital using the relevant calculation or estimate, in accordance with paragraph 33(1) (calculation of pensioner's income in savings credit only cases).

PART 13

Applications

Who may make an application

107.—(1) In the case of—

(a) a couple or (subject to paragraph (b)) members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines; or

- (b) aelodau o briodas amlbriod y mae paragraff 34 (cyfrifo incwm a chyfalaf: personau nad ydynt yn bensiynwyr, sydd â dyfarniad o gredyd cynhwysol) yn gymwys iddynt, rhaid i gais gael ei wneud gan ba un bynnag o'r partïon i'r briodas gynharaf sy'n parhau mewn bodolaeth y cytunant ddylai wneud y cais neu, os methant â chytuno, gan ba un bynnag ohonynt y penderfyna'r awdurdod.

(2) Pan fo person, sy'n atebol i dalu treth gyngor mewn perthynas ag annedd, yn analluog am y tro i weithredu, ac—

- (a) y Llys Gwarchod wedi penodi dirprwy sydd â phŵer i hawlio neu, yn ôl fel y digwydd, cael budd-dal ar ran y person hwnnw; neu
- (b) yn yr Alban, gweinyddir ystad y person hwnnw gan oruchwyliwr barnwrol neu unrhyw warcheidwad sy'n gweithredu neu a benodwyd o dan Ddeddf Oedolion ag Analluedd (Yr Alban) 2000(1) sydd â phŵer i wneud cais neu, yn ôl fel y digwydd, cael budd-dal ar ran y person hwnnw; neu
- (c) atwrnai sydd â phŵer cyffredinol neu bŵer i wneud cais neu, yn ôl fel y digwydd, i gael budd-dal, wedi ei benodi gan y person hwnnw o dan Ddeddf Atwrneiaethau 1971(2), Deddf Atwrneiaethau Parhaus 1985(3) neu Ddeddf Galluedd Meddyliol 2005(4) neu rywffodd arall,

caiff y dirprwy, goruchwyliwr barnwrol, gwarcheidwad neu atwrnai hwnnw, yn ôl fel y digwydd, wneud cais ar ran y person hwnnw.

(3) Pan fo person, sy'n atebol i dalu treth gyngor mewn perthynas ag annedd, yn analluog am y tro i weithredu, ac nad yw is-baragraff (2) yn gymwys i'r person hwnnw, caiff yr awdurdod, os gwneir cais ysgrifenedig iddo gan berson sydd, os yw'n berson naturiol, dros 18 mlwydd oed, benodi'r person hwnnw i arfer, ar ran y person sy'n analluog i weithredu, unrhyw hawl a allai fod gan y person sy'n analluog i weithredu o dan y cynllun hwn, ac i gael a delio, ar ran y person hwnnw ag unrhyw symiau sy'n daladwy i'r person hwnnw.

(4) Pan fo person, sy'n atebol i dalu treth gyngor mewn perthynas ag annedd, yn analluog am y tro i weithredu, a'r Ysgrifennydd Gwladol wedi penodi person i weithredu ar ran y person hwnnw o dan reoliad 33 o Reoliadau Nawdd Cymdeithasol (Hawliadau a Thaliadau) 1987(5) (personau analluog i

- (b) members of a polygamous marriage to whom paragraph 34 (calculation of income and capital: persons who are not pensioners who have an award of universal credit) applies, an application is to be made by whichever one of the parties to the earliest marriage that still subsists they agree should so apply or, in default of agreement, by such one of them as the authority determines.

(2) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and—

- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on that person's behalf; or
- (b) in Scotland, that person's estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000(1) who has power to apply or, as the case may be, receive benefit on that person's behalf; or
- (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971(2), the Enduring Powers of Attorney Act 1985(3) or the Mental Capacity Act 2005(4) or otherwise,

that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.

(3) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to that person, the authority may, upon written application made to it by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which the person who is unable to act might be entitled under this scheme, and to receive and deal on that person's behalf with any sums payable to that person.

(4) Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on that person's behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987(5) (persons unable to act), the authority may if

(1) 2000 dsa 4.
(2) 1971 p.27.
(3) 1985 p.29.
(4) 2005 p.9.
(5) O.S. 1987/1968.

(1) 2000 asp 4.
(2) 1971 c.27.
(3) 1985 c.29.
(4) 2005 c.9.
(5) S.I. 1987/1968.

weithredu), caiff yr awdurdod, os yw'r person a benodwyd felly yn cydsynio, drin y person hwnnw fel pe bai'r person hwnnw wedi ei benodi gan yr awdurdod o dan is-baragraff (3).

(5) Pan fo'r awdurdod wedi gwneud penodiad o dan is-baragraff (3) neu'n trin person fel penodai o dan is-baragraff (4)—

- (a) caiff ddirymu'r penodiad ar unrhyw adeg;
- (b) caiff y person a benodwyd ymddiswyddo o'i swydd ar ôl rhoi 4 wythnos o rybudd ysgrifenedig i'r awdurdod o'i fwriad i wneud hynny;
- (c) rhaid i unrhyw benodiad o'r fath derfynu pan hysbysir yr awdurdod o benodiad person a grybwyllir yn is-baragraff (2).

(6) Caniateir gwneud unrhyw beth o dan y cynllun hwn y mae'n ofynnol ei wneud gan neu i unrhyw berson sy'n analluog am y tro i weithredu, gan neu i'r personau a grybwyllir yn is-baragraff (2), neu gan neu i'r person a benodir, neu a drinnir fel pe bai wedi ei benodi, o dan y paragraff hwn ac y mae derbynneb unrhyw berson o'r fath a benodwyd felly am unrhyw swm a dalwyd yn rhyddhad dilys i'r awdurdod.

(7) Rhaid i'r awdurdod—

- (a) hysbysu unrhyw berson sy'n gwneud cais ynghylch y ddyletswydd a osodir gan baragraff 113(1)(a) (dyletswydd i hysbysu ynghylch newid yn yr amgylchiadau);
- (b) esbonio'r canlyniadau posibl (gan gynnwys erlyn) os methir â chydymffurfio â'r ddyletswydd honno; ac
- (c) nodi'r amgylchiadau y gallai newid ynddynt effeithio ar yr hawlogaeth i gael gostyngiad neu ar swm y gostyngiad.

Y dyddiad pan wneir cais

108.—(1) Yn ddarostyngedig i is-baragraff (7), y dyddiad pan wneir cais yw—

- (a) mewn achos pan fo—
 - (i) dyfarniad o gredyd pensiwn y wladwriaeth sy'n cynnwys credyd gwarant wedi ei wneud i'r ceisydd neu bartner y ceisydd, a
 - (ii) y cais am ostyngiad o dan y cynllun hwn wedi ei wneud o fewn un mis i'r dyddiad y cafwyd, yn swyddfa briodol yr Adran Gwaith a Phensiynau, yr hawliad am y credyd pensiwn y wladwriaeth honno sy'n cynnwys credyd gwarant,

diwrnod cyntaf yr hawlogaeth i gredyd pensiwn y wladwriaeth sy'n cynnwys credyd gwarant, sy'n codi o'r hawliad hwnnw;

the person so appointed agrees, treat that person as if that person had been appointed by it under sub-paragraph (3).

(5) Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4)—

- (a) it may at any time revoke the appointment;
- (b) the person appointed may resign that person's office after having given 4 weeks notice in writing to the authority of that person's intention to do so;
- (c) any such appointment must terminate when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).

(6) Anything required by this scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed is to be a good discharge to the authority for any sum paid.

(7) The authority must—

- (a) inform any person making an application of the duty imposed by paragraph 113(1)(a) of this scheme (duty to notify change of circumstances);
- (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) set out the circumstances a change in which might affect entitlement to a reduction or its amount.

Date on which an application is made

108.—(1) Subject to sub-paragraph (7), the date on which an application is made is—

- (a) in a case where—
 - (i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or the applicant's partner, and
 - (ii) the application for a reduction under this scheme is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,

the first day of entitlement to state pension credit which comprises guarantee credit arising from that claim;

- (b) mewn achos pan fo—
 - (i) ceisydd neu bartner y ceisydd yn berson sy'n cael credyd gwarant,
 - (ii) y ceisydd yn dod yn atebol am y tro cyntaf i dalu treth gyngor mewn perthynas â'r annedd a feddiennir gan y ceisydd fel ei gartref, a
 - (iii) y swyddfa ddynodedig yn cael y cais a wnaed i'r awdurdod o fewn un mis i ddyddiad y newid,

y diwrnod pan fo'r newid yn digwydd;

- (c) mewn achos pan fo—
 - (i) dyfarniad o gymhorthdal incwm, lwfans ceisio gwaith ar sail incwm neu lwfans cyflogaeth a chymorth ar sail incwm neu ddyfarniad o greddy cynhwysol wedi ei wneud i'r ceisydd neu bartner y ceisydd, a
 - (ii) y cais am ostyngiad o dan y cynllun hwn wedi ei wneud o fewn un mis i'r dyddiad y cafwyd yr hawliad am y cymhorthdal incwm, lwfans ceisio gwaith, lwfans cyflogaeth a chymorth neu greddy cynhwysol,

diwrnod cyntaf yr hawlogaeth i gymhorthdal incwm, lwfans ceisio gwaith ar sail incwm, lwfans cyflogaeth a chymorth ar sail incwm neu greddy cynhwysol sy'n codi o'r hawliad hwnnw;

- (d) mewn achos pan fo—
 - (i) ceisydd neu bartner y ceisydd yn berson sy'n cael cymhorthdal incwm, lwfans ceisio gwaith ar sail incwm neu lwfans cyflogaeth a chymorth ar sail incwm neu sydd â dyfarniad o greddy cynhwysol,
 - (ii) y ceisydd yn dod yn atebol am y tro cyntaf i dalu treth gyngor mewn perthynas â'r annedd a feddiennir gan y ceisydd fel ei gartref, a
 - (iii) y swyddfa ddynodedig yn cael y cais a wnaed i'r awdurdod o fewn un mis i ddyddiad y newid,

y dyddiad pan fo'r newid yn digwydd;

- (e) mewn achos pan fo—
 - (i) y ceisydd yn gyn-bartner person yr oedd hawl ganddo, ar y dyddiad y bu farw'r person hwnnw, neu y gwahanodd y ceisydd a'r person hwnnw, i gael gostyngiad o dan y cynllun hwn, a
 - (ii) y ceisydd yn gwneud cais am ostyngiad o dan y cynllun hwn o fewn un mis i ddyddiad y farwolaeth neu'r gwahanu,

- (b) in a case where—
 - (i) an applicant or the applicant's partner is a person in receipt of guarantee credit,
 - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which the applicant occupies as the applicant's home, and
 - (iii) the application to the authority is received at the designated office within one month of the date of the change,

the date on which the change takes place;

- (c) in a case where—
 - (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or the applicant's partner, and
 - (ii) the application for a reduction under this scheme is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,

the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;

- (d) in a case where—
 - (i) an applicant or the applicant's partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
 - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which the applicant occupies as the applicant's home, and
 - (iii) the application to the authority is received at the designated office within one month of the date of the change,

the date on which the change takes place;

- (e) in a case where—
 - (i) the applicant is the former partner of a person who was, at the date of that person's death or the separation of the applicant and that person, entitled to a reduction under this scheme, and
 - (ii) where the applicant makes an application for a reduction under this scheme within one month of the date of the death or the separation,

dyddiad y farwolaeth neu'r gwahanu;

- (f) ac eithrio pan fodlonir paragraff (a), (b) neu (e), mewn achos pan fo'r swyddfa ddynodedig wedi cael cais, a gwblhawyd yn briodol, o fewn un mis (neu pa bynnag gyfnod hwy a ystyrir yn rhesymol gan yr awdurdod) i'r dyddiad y dyroddwyd ffurflen gais i'r ceisydd, wedi i'r ceisydd yn gyntaf hysbysu'r awdurdod, ym mha bynnag fodd, o'i fwriad i wneud cais, dyddiad yr hysbysiad cyntaf;
- (g) mewn unrhyw achos arall, y dyddiad y ceir y cais yn y swyddfa ddynodedig.

(2) At ddibenion is-baragraff (1)(c) yn unig, rhaid trin person y dyfarnwyd iddo lwfans ceisio gwaith ar sail incwm neu lwfans cyflogaeth a chymorth ar sail incwm fel pe bai hawl ganddo i gael y lwfans hwnnw ar gyfer unrhyw ddiwrnodau sy'n union ragflaenu diwrnod cyntaf y dyfarniad hwnnw pan fyddai'r person hwnnw, oni bai am reoliadau a wnaed o dan—

- (a) yn achos lwfans ceisio gwaith ar sail incwm, paragraff 4 o Atodlen 1 i Ddeddf Ceiswyr Gwaith 1995 (diwrnodau aros); neu
- (b) yn achos lwfans cyflogaeth a chymorth ar sail incwm, paragraff 2 o Atodlen 2 i Ddeddf Diwygio Lles 2007 (diwrnodau aros),

wedi bod â hawl i gael y lwfans hwnnw.

(3) O ran y diffyg y cyfeirir ato ym mharagraff 7 o Atodlen 1 i'r cynllun hwn (cais dros y teleffon)—

- (a) pan fo'r diffyg wedi ei gywiro o fewn un mis (neu pa bynnag gyfnod hwy a ystyrir yn rhesymol gan yr awdurdod) i'r dyddiad y tynnwyd sylw at y diffyg ddiwethaf gan yr awdurdod, rhaid i'r awdurdod drin y cais fel pe bai wedi ei wneud yn briodol y tro cyntaf;
- (b) pan nad yw'r diffyg wedi ei gywiro o fewn un mis (neu pa bynnag gyfnod hwy a ystyrir yn rhesymol gan yr awdurdod) i'r dyddiad y tynnwyd sylw at y diffyg ddiwethaf gan yr awdurdod, rhaid i'r awdurdod drin y cais fel pe bai wedi ei wneud yn briodol y tro cyntaf os yw o'r farn bod ganddo wybodaeth ddigonol i wneud penderfyniad ar y cais.

(4) Rhaid i awdurdod drin cais diffygiol fel pe bai wedi ei wneud yn ddilys y tro cyntaf, os yw'r amodau a bennir yn is-baragraff (5)(a), (b) neu (c), mewn unrhyw achos penodol, wedi eu bodloni.

(5) Yr amodau yw—

- (a) pan fo paragraff 4(1)(a) o Atodlen 1 (ffurflen anghyflawn) yn gymwys, bod yr awdurdod yn cael, yn y swyddfa

the date of the death or the separation;

- (f) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received at the designated office within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to the applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;
- (g) in any other case, the date on which the application is received at the designated office.

(2) For the purposes only of sub-paragraph (1)(c), a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which the person would, but for the regulations made under—

- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
- (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),

have been entitled to that allowance.

(3) Where the defect referred to in paragraph 7 of Schedule 1 to this scheme (telephone application)—

- (a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority is to treat the application as if it had been duly made in the first instance;
- (b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority is to treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide on the application.

(4) The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.

(5) The conditions are that—

- (a) where paragraph 4(1)(a) of Schedule 1 (incomplete form) applies, the authority receives at the designated offices the

ddynodedig, y cais wedi ei gwblhau'n briodol neu'r wybodaeth y gofynnwyd amdani i'w gwblhau neu'r dystiolaeth, o fewn un mis ar ôl gofyn am y cyfryw, neu pa bynnag gyfnod hwy a ystyrir yn rhesymol gan yr awdurdod; neu

- (b) pan fo paragraff 4(1)(b) o Atodlen 1 (cais nad yw ar y ffurflen gymeradwy, neu'r awdurdod yn gofyn am wybodaeth bellach) yn gymwys—
 - (i) bod y swyddfa ddynodedig yn cael y ffurflen gymeradwy, a anfonwyd at y ceisydd, wedi ei chwblhau'n briodol o fewn un mis ar ôl ei hanfon at y ceisydd; neu, yn ôl fel y digwydd,
 - (ii) bod y ceisydd yn cyflenwi pa bynnag wybodaeth neu dystiolaeth y gofynnwyd amdani o dan baragraff 4 o'r Atodlen honno, o fewn un mis ar ôl gofyn am y cyfryw,

neu, yn y naill achos neu'r llall, o fewn pa bynnag gyfnod hwy a ystyrir yn rhesymol gan yr awdurdod; neu

- (c) pan fo'r awdurdod wedi gofyn am wybodaeth bellach, bod yr awdurdod yn cael, yn y swyddfa ddynodedig, y cais wedi ei gwblhau'n briodol neu'r wybodaeth y gofynnwyd amdani o fewn un mis ar ôl gofyn am y cyfryw, neu o fewn pa bynnag gyfnod hwy a ystyrir yn rhesymol gan yr awdurdod.

(6) Ac eithrio yn achos cais a wneir gan berson a drinnir fel pe na bai'n byw ym Mhrydain Fawr, pan nad yw person wedi dod yn atebol i awdurdod am dreth gyngor, ond rhagwelir y bydd y person hwnnw'n atebol felly o fewn cyfnod o 13 wythnos (y cyfnod perthnasol), caiff y person hwnnw wneud cais am ostyngiad o dan y cynllun hwn ar unrhyw adeg yn ystod y cyfnod hwnnw mewn perthynas â'r dreth honno ac, ar yr amod bod atebolrwydd yn codi o fewn y cyfnod perthnasol, rhaid i'r awdurdod drin y cais fel pe bai wedi ei wneud ar y diwrnod y mae'r atebolrwydd am y dreth yn codi.

(7) Ac eithrio yn achos cais a wneir gan berson a drinnir fel pe na bai'n byw ym Mhrydain Fawr, pan nad oes hawl gan y ceisydd i gael gostyngiad o dan y cynllun hwn ar yr adeg y mae'r awdurdod yn cael y cais, ond ym marn yr awdurdod, oni fydd yr amgylchiadau yn newid, bydd hawl gan y ceisydd i gael gostyngiad o dan y cynllun hwn am gyfnod sy'n cychwyn ddim hwyrach na'r drydedd wythnos ostyngiad ar ddeg ar ôl y dyddiad y gwnaed y cais (neu pa bynnag gyfnod arall a ystyrir yn rhesymol gan yr awdurdod), caiff yr awdurdod drin y cais fel pe bai wedi ei wneud ar ddyddiad yn yr wythnos ostyngiad sy'n union ragflaenu'r wythnos ostyngiad gyntaf yn y cyfnod o hawlogaeth hwnnw, a dyfarnu gostyngiad yn unol â hynny.

properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority considers reasonable; or

- (b) where paragraph 4(1)(b) of Schedule 1 (application not on approved form or further information requested by authority) applies—
 - (i) the approved form sent to the applicant is received at the designated office properly completed within one month of it having been sent to the applicant; or, as the case may be,
 - (ii) the applicant supplies whatever information or evidence was requested under paragraph 4 of that Schedule within one month of the request,

or, in either case, within such longer period as the authority considers reasonable; or

- (c) where the authority has requested further information, the authority receives at its designated office the properly completed application or the information requested within one month of the request or within such longer period as the authority considers reasonable.

(6) Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that the person will become so liable within the period of 13 weeks (the relevant period), the person may apply for a reduction under this scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority is to treat the application as having been made on the day on which the liability for the tax arises.

(7) Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under this scheme at the time that the application is received by the authority but the authority is of the opinion that, unless there is a change of circumstances, the applicant will be entitled to a reduction under this scheme for a period beginning not later than the thirteenth reduction week following the date on which the application is made (or such other period as the authority considers reasonable), the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

(8) Yn y paragraff hwn, ystyr “swyddfa briodol yr Adran Gwaith a Phensiynau” (“*appropriate DWP office*”) yw swyddfa'r Adran Gwaith a Phensiynau sy'n ymdrin â chredyd pensiwn y wladwriaeth, neu swyddfa sydd fel arfer ar agor i'r cyhoedd ar gyfer cael hawliadau am gymhorthdal incwm, lwfans ceisio gwaith neu lwfans cyflogaeth a chymorth.

Ôl-ddyddio ceisiadau: pensiynwyr

109.—(1) Yn ddarostyngedig i is-baragraff (2), yr amser i wneud cais gan bensiynwr o dan y cynllun hwn, o ran unrhyw ddiwrnod pan fo'r ceisydd, ar wahân i fodloni'r amod o fod yn gwneud cais, yn meddu'r hawl i gael gostyngiad o'r fath, yw'r diwrnod hwnnw a'r cyfnod o dri mis sy'n dilyn yn union ar ei ôl.

(2) Mewn unrhyw achos pan fo paragraff 108(1)(a) (y dyddiad pan wneir cais) yn gymwys, nid yw is-baragraff (1) yn rhoi hawl i berson wneud cais am ostyngiad o dan y cynllun hwn mewn perthynas ag unrhyw ddiwrnod sy'n gynharach na 3 mis cyn y dyddiad y gwneir yr hawliad am greddyd pensiwn y wladwriaeth (neu y trinnir fel pe bai wedi ei wneud, yn rhinwedd unrhyw ddarpariaeth o Reoliadau Nawdd Cymdeithasol (Hawliadau a Thaliadau) 1987(1)).

Ôl-ddyddio ceisiadau: personau nad ydynt yn bensiynwyr

110.—(1) Pan fo ceisydd, sy'n berson nad yw'n bensiynwr—

- (a) yn gwneud cais o dan y cynllun hwn sy'n cynnwys (neu y mae'r ceisydd yn ddiweddarach yn gofyn am iddo gynnwys) cyfnod cyn bo'r cais wedi ei wneud; a
- (b) o ddiwrnod yn y cyfnod hwnnw, hyd at y dyddiad y gwnaeth y ceisydd y cais (neu y gofynnodd yn ddiweddarach am i'r cais gynnwys cyfnod blaenorol), yr oedd gan y ceisydd, yn ddi-dor, reswm da dros fethu â gwneud cais (neu ofyn am i'r cais gynnwys y cyfnod hwnnw),

rhaid trin y cais fel pe bai wedi ei wneud ar y dyddiad a benderfynir yn unol ag is-baragraff (2).

(2) Y dyddiad hwnnw yw'r diweddaraf o'r canlynol—

- (a) y diwrnod cyntaf pan oedd gan y ceisydd reswm da yn ddi-dor;
- (b) y diwrnod 3 mis cyn y dyddiad y gwnaed y cais;

(1) O.S. 1987/1968.

(8) In this paragraph “appropriate DWP office” (“*swyddfa briodol yr Adran Gwaith a Phensiynau*”) means an office of the Department of Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims for income support, a jobseeker's allowance or an employment and support allowance.

Back-dating of applications: pensioners

109.—(1) Subject to sub-paragraph (2), the time for the making of an application under this scheme by a pensioner is as regards any day on which, apart from satisfying the condition of making an application, the applicant is entitled to such a reduction, that day and the period of three months immediately following it.

(2) In any case where paragraph 108(1)(a) applies (date on which application is made), sub-paragraph (1) does not entitle a person to apply for a reduction under this scheme in respect of any day earlier than 3 months before the date on which the claim for state pension credit is made (or treated as made by virtue of any provision of the Social Security (Claims and Payments) Regulations 1987(1)).

Back-dating of applications: persons who are not pensioners

110.—(1) Where an applicant who is a person who is not a pensioner—

- (a) makes an application under this scheme which includes (or which the applicant subsequently requests should include) a period before the application is made; and
- (b) from a day in that period, up to the date the applicant made the application (or subsequently requested that the application should include a past period), the applicant had continuous good cause for failing to make an application (or request that the application should include that period),

the application is to be treated as made on the date determined in accordance with sub-paragraph (2).

(2) That date is the latest of—

- (a) the first day from which the applicant had continuous good cause;
- (b) the day 3 months before the date the application was made;

(1) S.I. 1987/1968.

- (c) y diwrnod 3 mis cyn y dyddiad pan ofynnodd y ceisydd am i'r cais gynnwys cyfnod blaenorol.

Tystiolaeth a gwybodaeth

111.—(1) Yn ddarostyngedig i is-baragraff (3), rhaid i berson sy'n gwneud cais am ostyngiad o dan y cynllun hwn fodloni is-baragraff (2), mewn perthynas â'r person sy'n gwneud y cais yn ogystal ag unrhyw berson arall y mae'n gwneud y cais mewn perthynas ag ef.

(2) Bodlonir yr is-baragraff hwn mewn perthynas â pherson—

- (a) os cyflwynir y cais ynghyd ag—
- (i) datganiad o rif yswiriant gwladol y person a gwybodaeth neu dystiolaeth sy'n cadarnhau bod y rhif hwnnw wedi ei ddyrannu i'r person; neu
 - (ii) gwybodaeth neu dystiolaeth a fydd yn galluogi awdurdod i ganfod y rhif yswiriant gwladol sydd wedi ei ddyrannu i'r person; neu
- (b) os yw'r person wedi gwneud cais am i rif yswiriant gwladol gael ei ddyrannu i'r person hwnnw, ac os cyflwynwyd y cais am ostyngiad ynghyd ag—
- (i) tystiolaeth o'r cais am i rif yswiriant gwladol gael ei ddyrannu felly; a
 - (ii) gwybodaeth neu dystiolaeth sy'n galluogi ei ddyrannu felly.

(3) Nid yw is-baragraff (2) yn gymwys—

- (a) yn achos plentyn neu berson ifanc y gwneir cais am ostyngiad mewn perthynas ag ef;
- (b) i berson—
- (i) a drinnir at ddibenion y cynllun hwnnw fel pe na bai ym Mhrydain Fawr;
 - (ii) sy'n destun rheolaeth ymfudo o fewn yr ystyr a roddir i "a person subject to immigration control" gan adran 115(9)(a) o Ddeddf Ymfudo a Lloches 1999(1); a
 - (iii) na ddyrannwyd iddo rif yswiriant gwladol eisoes.

(4) Yn ddarostyngedig i is-baragraff (5), rhaid i berson sy'n gwneud cais, neu berson y dyfarnwyd iddo ostyngiad o dan y cynllun hwn, ddarparu pa bynnag dystysgrifau, dogfennau, gwybodaeth a thystiolaeth mewn cysylltiad â'r cais neu'r dyfarniad, neu unrhyw gwestiwn sy'n codi o'r cais neu'r dyfarniad, y gofynnir amdanynt yn rhesymol gan yr awdurdod er mwyn

- (c) the day 3 months before the date when the applicant requested that the application should include a past period.

Evidence and information

111.—(1) Subject to sub-paragraph (3), a person who makes an application for a reduction under this scheme must satisfy sub-paragraph (2) in relation both to the person making the application and to any other person in respect of whom the person is making the application.

(2) This sub-paragraph is satisfied in relation to a person if—

- (a) the application is accompanied by—
- (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
- (b) the person has made an application for a national insurance number to be allocated to that person and the application for the reduction is accompanied by—
- (i) evidence of the application for a national insurance number to be so allocated; and
 - (ii) the information or evidence enabling it to be so allocated.

(3) Sub-paragraph (2) does not apply—

- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
- (b) to a person who—
- (i) is treated as not being in Great Britain for the purposes of this scheme;
 - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999(1); and
 - (iii) has not previously been allocated a national insurance number.

(4) Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under this scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or award, as may reasonably be required by the authority in order to

(1) 1999 p.33.

(1) 1999 c.33.

penderynu ynghylch hawlogaeth y person hwnnw, neu barhad ei hawlogaeth, i ostyngiad o dan y cynllun hwn, a rhaid iddo wneud hynny o fewn un mis wedi i'r awdurdod ofyn iddo wneud hynny, neu pa bynnag gyfnod hwy a ystyrir yn rhesymol gan yr awdurdod.

(5) Nid oes dim yn y paragraff hwn sy'n ei gwneud yn ofynnol bod person yn darparu unrhyw dystysgrifau, dogfennau, gwybodaeth neu dystiolaeth mewn perthynas â thaliad y mae is-baragraff (7) yn gymwys iddo.

(6) Pan wneir cais gan awdurdod o dan is-baragraff (4), rhaid i'r awdurdod—

- (a) hysbysu'r ceisydd, neu'r person y dyfarnwyd gostyngiad iddo o dan y cynllun hwn, ynghylch dyletswydd y ceisydd o dan baragraff 113 (dyletswydd i hysbysu ynghylch newidiadau yn yr amgylchiadau) i hysbysu'r awdurdod ynghylch unrhyw newid yn yr amgylchiadau; a
- (b) heb leihau dim ar gwmpas y ddyletswydd o dan baragraff 113, dynodi i'r person, naill ai ar lafar neu drwy hysbysiad neu drwy gyfeirio at ryw ddogfen arall sydd ar gael i'r person yn ddi-dâl os gofynnir amdani, y math o newid yn yr amgylchiadau y mae'n ofynnol hysbysu'r awdurdod yn ei gylch.

(7) Mae'r is-baragraff hwn yn gymwys i unrhyw un o'r taliadau canlynol—

- (a) taliad—
 - (i) a ddiystyrwyd o dan baragraff 28 o Atodlen 7 (symiau a ddiystyrir wrth gyfrifo incwm ac eithrio enillion: personau nad ydynt yn bensiynwyr) neu baragraff 38 o Atodlen 9 (diystyriadau cyfalaf: personau nad ydynt yn bensiynwyr); neu
 - (ii) a wnaed o dan neu gan yr Ymddiriedolaethau, y Gronfa, Ymddiriedolaeth Eileen, MFET Limited, Cronfa Skipton, Sefydliad Caxton neu Gronfa Cymorth Elusennol Bomiau Llundain;
- (b) taliad a ddiystyrir o dan baragraff 16 o Atodlen 8 (taliadau a wnaed o dan ymddiriedolaethau penodol a thaliadau penodol eraill) ac eithrio taliad o dan y Gronfa Byw'n Annibynnol (2006);
- (c) taliad a ddiystyrir o dan baragraff 28(9)(b) neu (c) (didyniadau annibynyddion) ac eithrio taliad a wnaed o dan y Gronfa Byw'n Annibynnol (2006)

(8) Pan fo ceisydd, neu berson y mae gostyngiad o dan y cynllun hwn wedi ei ddyfarnu iddo, neu unrhyw bartner, wedi cyrraedd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth ac yn aelod o gynllun

determine that person's entitlement to, or continuing entitlement to a reduction under this scheme and must do so within one month of the authority requiring the person to do so or such longer period as the authority considers reasonable.

(5) Nothing in this paragraph requires a person to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.

(6) Where a request is made under sub-paragraph (4), the authority must—

- (a) inform the applicant or the person to whom a reduction under this scheme has been awarded of the applicant's or that other person's duty under paragraph 113 (duty to notify changes of circumstances) to notify the authority of any change of circumstances; and
- (b) without prejudice to the extent of the duty owed under paragraph 113, indicate to the person either orally or by notice or by reference to some other document available to the person on application and without charge, the kind of change of circumstances which is to be notified to the authority.

(7) This sub-paragraph applies to any of the following payments—

- (a) a payment which is—
 - (i) disregarded under paragraph 28 of Schedule 7 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners) or paragraph 38 of Schedule 9 (capital disregards: persons who are not pensioners); or
 - (ii) made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
- (b) a payment which is disregarded under paragraph 16 of Schedule 8 (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);
- (c) a payment which is disregarded under paragraph 28(9)(b) or (c) (non-dependant deductions) other than a payment under the Independent Living Fund (2006).

(8) Where an applicant or a person to whom a reduction under this scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving

pensiwn personol neu'n berson sydd â hawlogaeth i gael pensiwn o dan gynllun pensiwn personol, rhaid i'r person, pan ofynnir iddo gan yr awdurdod, ddarparu'r wybodaeth ganlynol—

- (a) enw a chyfeiriad deiliad y gronfa pensiwn;
- (b) pa bynnag wybodaeth arall, gan gynnwys unrhyw rif cyfeirnod neu rif polisi, y mae ei hangen i alluogi adnabod y cynllun pensiwn personol.

Diwygio cais a thynnu cais yn ôl

112.—(1) Caiff person sydd wedi gwneud cais ei ddiwygio ar unrhyw adeg cyn bo penderfyniad wedi ei wneud ar y cais, drwy gyflwyno neu anfon hysbysiad ysgrifenedig i'r swyddfa ddynodedig.

(2) Os oedd y cais wedi ei wneud dros y teleffon yn unol â Rhan 1 o Atodlen 1, caniateir gwneud y diwygiad hefyd dros y teleffon.

(3) Rhaid trin unrhyw gais a ddiwygir yn unol ag is-baragraff (1) neu (2) fel pe bai wedi ei ddiwygio y tro cyntaf.

(4) Caiff person sydd wedi gwneud cais dynnu'r cais yn ôl ar unrhyw adeg cyn bo penderfyniad wedi ei wneud ar y cais, drwy hysbysiad i'r swyddfa ddynodedig.

(5) Os oedd y cais wedi ei wneud dros y teleffon yn unol â Rhan 1 o Atodlen 1, caniateir tynnu'r cais yn ôl hefyd dros y teleffon.

(6) Bydd unrhyw hysbysiad o dynnu'n ôl a roddir yn unol ag is-baragraff (4) neu (5) yn cael effaith pan geir yr hysbysiad.

(7) Pan fo person, dros y teleffon, yn diwygio cais neu'n tynnu cais yn ôl, rhaid i'r person hwnnw (os gofynnir iddo wneud hynny gan yr awdurdod) roi cadarnhad o ddiwygio'r cais neu ei dynnu'n ôl, drwy gyflwyno neu anfon hysbysiad ysgrifenedig i'r swyddfa ddynodedig.

Dyletswydd i hysbysu ynghylch newidiadau yn yr amgylchiadau

113.—(1) Yn ddarostyngedig i is-baragraffau (3) a (7), rhaid i'r ceisydd (neu unrhyw berson sy'n gweithredu ar ran y ceisydd) gydymffurfio ag is-baragraff (2) os oes newid perthnasol yn digwydd yn yr amgylchiadau ar unrhyw adeg—

- (a) rhwng gwneud y cais a gwneud penderfyniad arno, neu
- (b) ar ôl gwneud y penderfyniad (os y penderfyniad yw fod hawl gan y ceisydd i gael gostyngiad o dan y cynllun hwn) gan gynnwys ar unrhyw adeg tra bo'r ceisydd yn cael gostyngiad o'r fath.

entitlement to a pension under a personal pension scheme, the person must where the authority so requires furnish the following information—

- (a) the name and address of the pension fund holder;
- (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

Amendment and withdrawal of application

112.—(1) A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.

(2) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the amendment may also be made by telephone.

(3) Any application amended in accordance with sub-paragraph (1) or (2) is to be treated as if it had been amended in the first instance.

(4) A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.

(5) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the withdrawal may also be made by telephone.

(6) Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) is to have effect when it is received.

(7) Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

Duty to notify changes of circumstances

113.—(1) Subject to sub-paragraphs (3) and (7), the applicant (or any person acting on the applicant's behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time—

- (a) between the making of an application and a decision being made on it; or
- (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under this scheme) including at any time while the applicant is in receipt of such a reduction.

(2) Rhaid i'r ceisydd (neu unrhyw berson sy'n gweithredu ar ran y ceisydd) hysbysu ynghylch unrhyw newid yn yr amgylchiadau y gellid disgwyl yn rhesymol y byddai'r ceisydd (neu'r person hwnnw) yn gwybod y gallai effeithio ar hawlogaeth y ceisydd i gael gostyngiad, neu ar swm y gostyngiad, o dan y cynllun hwn ("newid perthnasol yn yr amgylchiadau"), drwy roi hysbysiad i'r awdurdod—

- (a) mewn ysgrifen; neu
- (b) dros y teleffon—
 - (i) pan fo'r awdurdod wedi cyhoeddi rhif teleffon at y diben hwnnw neu at ddibenion Rhan 1 o Atodlen 1 oni fydd yr awdurdod yn penderfynu, mewn unrhyw achos penodol neu ddsbarth o achosion, na chaniateir rhoi hysbysiad dros y teleffon; neu
 - (ii) mewn unrhyw achos neu ddsbarth o achosion y penderfynodd yr awdurdod y caniateir rhoi hysbysiad ynddo dros y teleffon; neu
- (c) drwy unrhyw ddull arall y cytuna'r awdurdod i'w dderbyn mewn unrhyw achos penodol,

o fewn cyfnod o 21 diwrnod sy'n cychwyn gyda'r diwrnod pan fo'r newid yn digwydd, neu cyn gynted ag y bo'n rhesymol ymarferol wedi i'r newid ddigwydd, pa un bynnag yw'r diweddaraf.

(3) Nid yw'r ddyletswydd a osodir ar berson gan is-baragraff (1) yn cynnwys hysbysu ynghylch—

- (a) newidiadau yn swm y dreth gyngor sy'n daladwy i'r awdurdod;
- (b) newidiadau yn oedran y ceisydd neu oedran unrhyw aelod o deulu'r ceisydd;
- (c) yn achos ceisydd sy'n cael budd-dal perthnasol, newidiadau mewn amgylchiadau sy'n effeithio ar swm y budd-dal ond nid ar swm y gostyngiad y mae hawl gan y ceisydd i'w gael o dan y cynllun hwn ac eithrio terfynu'r hawlogaeth i gael y budd-dal.

(4) At ddibenion is-baragraff (3)(c) ystyr "budd-dal perthnasol" ("*relevant benefit*") yw cymhorthdal incwm, lwfans ceisio gwaith ar sail incwm, neu lwfans cyflogaeth a chymorth ar sail incwm neu gredyd cynhwysol.

(5) Er gwaethaf is-baragraff (3)(b) neu (c), mae'n ofynnol o dan is-baragraff (1) fod ceisydd yn hysbysu'r awdurdod ynghylch unrhyw newid yng nghyfansoddiad teulu'r ceisydd, sy'n digwydd pan nad yw person, a oedd yn aelod o deulu'r ceisydd, bellach yn berson o'r fath, oherwydd bod y person hwnnw wedi peidio â bod yn blentyn neu berson ifanc.

(2) The applicant (or any person acting on the applicant's behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect the applicant's entitlement to, or the amount of, a reduction under this scheme (a "relevant change of circumstances") by giving notice to the authority—

- (a) in writing; or
- (b) by telephone—
 - (i) where the authority has published a telephone number for that purpose or for the purposes of Part 1 of Schedule 1 unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
 - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
- (c) by any other means which the authority agrees to accept in any particular case,

within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is the later.

(3) The duty imposed on a person by sub-paragraph (1) does not extend to notifying—

- (a) changes in the amount of council tax payable to the authority;
- (b) changes in the age of the applicant or that of any member of the applicant's family;
- (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under this scheme to which the applicant is entitled, other than the cessation of that entitlement to the benefit.

(4) For the purposes of sub-paragraph (3)(c) "relevant benefit" ("*budd-dal perthnasol*") means income support, an income-based jobseeker's allowance or an income-related employment and support allowance or universal credit.

(5) Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of the applicant's family arising from the fact that a person who was a member of the applicant's family is now no longer such a person because that person has ceased to be a child or young person.

(6) Rhaid i berson y rhoddwyd gostyngiad iddo o dan y cynllun hwn ac sydd hefyd yn cael credyd pensiwn y wladwriaeth adrodd am—

- (a) newidiadau sy'n effeithio ar breswylfa neu incwm unrhyw annibynnydd sydd fel arfer yn preswyllo gyda'r ceisydd, neu y mae'r ceisydd fel arfer yn preswyllo gydag ef;
- (b) unrhyw absenoldeb o'r annedd sy'n hwy, neu'n debygol o fod yn hwy, na 13 wythnos.

(7) Rhaid i berson y mae ei gredyd pensiwn y wladwriaeth yn cynnwys credyd cynilion yn unig adrodd hefyd am—

- (a) newidiadau sy'n effeithio ar blentyn sy'n byw gyda'r person hwnnw, a allai arwain at newid yn swm y gostyngiad o dan y cynllun hwn a ganiateir yn achos y person hwnnw, ond nid newidiadau yn oedran y plentyn;
- (b) unrhyw newid yn y swm o gyfalaf y person hwnnw sydd i'w gymryd i ystyriaeth, sy'n peri, neu a allai beri, bod swm cyfalaf y person hwnnw'n fwy nag £16,000;
- (c) unrhyw newid yn incwm neu gyfalaf—
 - (i) annibynnydd y trinnir ei incwm a'i gyfalaf fel pe baent yn eiddo i'r ceisydd yn unol â pharagraff 31 (amgylchiadau pan fo cyfalaf ac incwm annibynnydd i gael eu trin fel eiddo i'r ceisydd); neu
 - (ii) person y cyfeirir ato ym mharagraff 33(2)(e) (partner a drinnir fel aelod o'r aelwyd o dan baragraff 8),

a pha un a yw person o'r fath neu, yn ôl fel y digwydd, annibynnydd o'r fath yn peidio â byw neu'n dechrau byw neu'n aildechrau byw gyda'r ceisydd.

(8) Nid oes raid i berson, sydd â hawl i ostyngiad o dan y cynllun hwn ac yn cael credyd pensiwn y wladwriaeth, adrodd wrth yr awdurdod am newidiadau ac eithrio'r newidiadau a bennir yn is-baragraffau (6) a (7).

RHAN 14

Penderfyniadau gan awdurdod

Penderfyniad gan awdurdod

114. Rhaid i awdurdod wneud penderfyniad ar gais am ostyngiad o dan y cynllun hwn o fewn 14 diwrnod ar ôl bodloni paragraffau 108 a 111 a Rhan 1 o Atodlen 1, neu cyn gynted ag y bo'n rhesymol ymarferol wedyn.

(6) A person who has been awarded a reduction under this scheme who is also on state pension credit must report—

- (a) changes affecting the residence or income of any non-dependant normally residing with the applicant or with whom the applicant normally resides;
- (b) any absence from the dwelling which exceeds or is likely to exceed 13 weeks.

(7) A person whose state pension credit comprises only a savings credit must also report—

- (a) changes affecting a child living with that person which may result in a change in the amount of reduction under this scheme allowed in that person's case, but not changes in the age of the child;
- (b) any change in the amount of the person's capital to be taken into account which does or may take the amount of that person's capital to more than £16,000;
- (c) any change in the income or capital of—
 - (i) a non-dependant whose income and capital are treated as belonging to the applicant in accordance with paragraph 31 (circumstances in which capital and income of a non-dependant is to be treated as applicant's); or
 - (ii) a person to whom paragraph 33(2)(e) (partner treated as member of the household under paragraph 8) refers,

and whether such a person or, as the case may be, non-dependant stops living or begins or resumes living with the applicant.

(8) A person who is entitled to a reduction under this scheme and on state pension credit need only report to the authority the changes specified in sub-paragraphs (6) and (7).

PART 14

Decisions by authority

Decision by authority

114. The authority must make a decision on an application for a reduction under this scheme within 14 days of paragraphs 108 and 111 and Part 1 of Schedule 1 being satisfied, or as soon as reasonably practicable thereafter.

Hysbysu ynghylch penderfyniad

115.—(1) Rhaid i awdurdod hysbysu mewn ysgrifen unrhyw berson yr effeithir arno gan benderfyniad a wneir gan yr awdurdod o dan y cynllun hwn—

- (a) yn achos penderfyniad ar gais, ar unwaith neu cyn gynted ag y bo'n rhesymol ymarferol wedyn;
- (b) mewn unrhyw achos arall, o fewn 14 diwrnod ar ôl gwneud y penderfyniad, neu cyn gynted ag y bo'n rhesymol ymarferol wedyn.

(2) Os dyfarnu gostyngiad yw'r penderfyniad, rhaid i'r hysbysiad o dan is-baragraff (1) gynnwys datganiad sy'n—

- (a) rhoi gwybod i'r person yr effeithir arno am y ddyletswydd a osodir gan baragraff 113(1)(b) (dyletswydd i hysbysu ynghylch newidiadau yn yr amgylchiadau);
- (b) esbonio'r canlyniadau posibl (gan gynnwys erlyn) os methir â chydymffurfio â'r ddyletswydd honno; ac
- (c) nodi'r amgylchiadau y gallai newid ynddynt effeithio ar yr hawlogaeth i gael gostyngiad neu ar swm y gostyngiad.

(3) Os dyfarnu gostyngiad yw'r penderfyniad, rhaid i'r hysbysiad o dan is-baragraff (1) gynnwys datganiad o'r modd y bodlonir yr hawlogaeth.

(4) Rhaid i'r hysbysiad o dan is-baragraff (1) gynnwys datganiad hefyd ynghylch y materion a bennir yn Atodlen 10.

(5) Caiff person yr effeithir arno ac y cyflwynodd neu anfonodd yr awdurdod hysbysiad o benderfyniad ato, o fewn un mis ar ôl dyddiad yr hysbysiad o benderfyniad hwnnw, ofyn mewn ysgrifen i'r awdurdod ddarparu datganiad ysgrifenedig sy'n nodi rhesymau'r awdurdod am ei benderfyniad ar unrhyw fater a nodir yn yr hysbysiad.

(6) Rhaid anfon y datganiad ysgrifenedig y cyfeirir ato yn is-baragraff (5) at y person sy'n gofyn amdano o fewn 14 diwrnod neu cyn gynted ag y bo'n rhesymol ymarferol wedyn.

(7) At ddibenion y paragraff hwn rhaid trin person fel person yr effeithir arno gan benderfyniad awdurdod o dan y cynllun hwn os effeithir ar hawliau, dyletswyddau neu ymrwymadau'r person hwnnw gan y penderfyniad hwnnw ac os yw'r person yn dod o fewn is-baragraff (8).

(8) Mae'r is-baragraff hwn yn gymwys i—

- (a) y ceisydd;
- (b) yn achos person sy'n atebol i dalu treth yngor mewn perthynas ag annedd ac yn analluog am y tro i weithredu—

Notification of decision

115.—(1) The authority must notify in writing any person affected by a decision made by it under this scheme—

- (a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
- (b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

(2) Where the decision is to award a reduction the notification under sub-paragraph (1) must include a statement—

- (a) informing the person affected of the duty imposed by paragraph 113(1)(b) (duty to notify change of circumstances);
- (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

(3) Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.

(4) The notification under sub-paragraph (1) must also include a statement as to the matters set out in Schedule 10.

(5) A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

(6) The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

(7) For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under this scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

(8) This sub-paragraph applies to—

- (a) the applicant;
- (b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act—

- (i) dirprwy a benodwyd gan y Llys Gwarchod sydd â phŵer i hawlio neu, yn ôl fel y digwydd, cael budd-dal, ar ran y person; neu
- (ii) yn yr Alban, goruchwyliwr barnwrol neu unrhyw warcheidwad sy'n gweithredu neu a benodwyd o dan Ddeddf Oedolion ag Analluedd (Yr Alban) 2000 sydd â phŵer i wneud cais neu, yn ôl fel y digwydd, cael budd-dal, ar ran y person; neu
- (iii) atwrnai sydd â phŵer cyffredinol neu bŵer i wneud cais neu, yn ôl fel y digwydd, i gael budd-dal, wedi ei benodi gan y person hwnnw o dan Ddeddf Atwrneiaethau 1971, Deddf Atwrneiaethau Parhaus 1985 neu Ddeddf Galluedd Meddyliol 2005 neu rywfodd arall;
- (c) person a benodwyd gan yr awdurdod o dan baragraff 107(3).

- (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on the person's behalf; or
- (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on the person's behalf; or
- (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,
- (c) a person appointed by the authority under paragraph 107(3).

RHAN 15

Dyfarniad neu daliad o ostyngiad

Dyfarniad neu daliad o ostyngiad o dan y cynllun hwn

116.—(1) Yn ddarostyngedig i is-baragraff (2), pan fo hawl gan berson i gael gostyngiad o dan y cynllun hwn mewn perthynas ag atebolrwydd y person hwnnw am dreth gyngor fel y caiff effaith mewn perthynas â blwyddyn ariannol, rhaid i'r awdurdod fodloni hawlogaeth y person hwnnw drwy leihau, i'r graddau sy'n bosibl, swm atebolrwydd y person hwnnw, y cyfeirir ato yn rheoliad 20(2) o Reoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) 1992.

(2) Pan fo—

- (a) hawl gan berson i gael gostyngiad o dan y cynllun hwn awdurdod mewn perthynas ag atebolrwydd y person hwnnw am dreth gyngor yr awdurdod fel y caiff effaith mewn perthynas â blwyddyn ariannol;
- (b) y person sydd â hawl i gael y gostyngiad yn atebol ar y cyd ac yn unigol am y dreth gyngor; ac
- (c) yr awdurdod yn penderfynu y byddai'n amhriodol bodloni hawlogaeth y person hwnnw drwy leihau swm atebolrwydd y person hwnnw, y cyfeirir ato yn rheoliad 20(2) o Reoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) 1992,

caiff yr awdurdod wneud taliad i'r person hwnnw o swm y gostyngiad y mae hawl gan y person hwnnw i'w gael, wedi ei dalgrynnu, pan fo angen, i'r geiniog agosaf.

PART 15

Award or payment of reduction

The award or payment of a reduction under this scheme

116.—(1) Subject to sub-paragraph (2) where a person is entitled to a reduction under this scheme in respect of that person's liability for council tax as it has effect in respect of a financial year, the authority must discharge that person's entitlement by reducing, so far as possible, the amount of that person's liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers.

(2) Where—

- (a) a person is entitled to a reduction under this scheme in respect of that person's liability for the authority's council tax as it has effect in respect of a financial year;
- (b) the person entitled to the reduction is joint and severally liable for the council tax; and
- (c) the authority determines that discharging that person's entitlement by reducing the amount of that person's liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers would be inappropriate,

it may make a payment to that person of the amount of reduction to which that person is entitled, rounded where necessary to the nearest penny.

(3) Yn ddarostyngedig i is-baragraff (4) rhaid gwneud unrhyw daliad a wneir o dan is-baragraffau (1) neu (2) i'r person sydd â hawl i gael y gostyngiad.

(4) Os gwnaed y cais gan berson ac eithrio'r person sydd â hawl i gael gostyngiad o dan y cynllun hwn a'r person cyntaf hwnnw'n berson sy'n gweithredu yn unol â phenodiad o dan baragraff 107(3) (personau a benodir i weithredu dros berson sy'n analluog i weithredu) neu a drinnir fel pe bai wedi ei benodi felly yn rhinwedd paragraff 107(4), caniateir talu swm y gostyngiad i'r person hwnnw.

ATODLEN 1

Materion gweithdrefnol

RHAN 1

Y weithdrefn ar gyfer gwneud cais am ostyngiad o dan y cynllun hwn

Gweithdrefn y caiff person ei dilyn i wneud cais am ostyngiad o dan y cynllun hwn

1. Mae paragraffau 2 i 7 o'r Atodlen hwn yn gymwys i gais am ostyngiad o dan y cynllun hwn.

2. Caniateir gwneud cais—

- (a) mewn ysgrifen,
- (b) drwy gyfathrebiad electronig yn unol â Rhan 4 o'r Atodlen hon, neu
- (c) os yw'r awdurdod wedi cyhoeddi rhif teleffon at y diben o gael ceisiadau o'r fath, dros y teleffon.

3.—(1) Rhaid gwneud unrhyw gais a wneir mewn ysgrifen i'r swyddfa ddynodedig a rhaid iddo fod—

- (a) ar ffurflen sydd wedi ei chwblhau'n briodol ac a gymeradwywyd gan yr awdurdod at ddibenion gwneud cais mewn ysgrifen; neu
- (b) yn y cyfryw ffurf ysgrifenedig y mae'r awdurdod yn derbyn sy'n ddigonol mewn amgylchiadau unrhyw achos penodol (neu ddsbarth o achosion) o ystyried digonolrwydd yr wybodaeth a thystiolaeth ysgrifenedig.

(2) Mae cais mewn ysgrifen yn ddiffygiol os na wneir y cais ar y ffurf a ddisgrifir ym mharagraff 3(1)(a) neu (b).

(3) Rhaid i unrhyw ffurflen a ddarperir gan yr awdurdod at y diben o wneud cais mewn ysgrifen gael ei darparu'n ddi-dâl.

(3) Subject to sub-paragraph (4) any payment made under sub-paragraphs (1) or (2) must be made to the person who is entitled to the reduction.

(4) Where a person other than the person who is entitled to the reduction under this scheme made the application for the reduction and that first person is a person acting pursuant to an appointment under paragraph 107(3) (persons appointed to act for a person unable to act) or is treated as having been so appointed by virtue of paragraph 107(4), the amount of the reduction may be paid to that person.

SCHEDULE 1

Procedural matters

PART 1

Procedure for an application for a reduction under this scheme

Procedure by which a person may apply for a reduction under this scheme

1. Paragraphs 2 to 7 of this Schedule apply to an application for a reduction under this scheme.

2. An application may be made—

- (a) in writing;
- (b) by means of an electronic communication in accordance with Part 4 of this Schedule; or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

3.—(1) An application which is made in writing must be made to the designated office and be—

- (a) on a properly completed form approved by the authority for the purposes of making an application in writing; or
- (b) in such written form as the authority accepts as sufficient in the circumstances of any particular case (or class of cases) having regard to the sufficiency of the written information and evidence.

(2) Where an application in writing is not made in the form described in paragraph 3(1)(a) or (b) it is defective.

(3) Any form provided by the authority for the purposes of making an application in writing must be provided free of charge.

4.—(1) Pan fo cais a wneir mewn ysgriflen yn ddiffygiol oherwydd—

- (a) ei fod wedi ei wneud ar y ffurflen a gymeradwywyd at y diben ond nad yw'r awdurdod yn ei dderbyn fel ffurflen a gwblhawyd yn briodol, caiff yr awdurdod ofyn i'r ceisydd gwblhau'r cais diffygiol; neu
- (b) ei fod wedi ei wneud mewn ysgriflen ond nid ar y ffurflen a gymeradwywyd at y diben hwnnw, ac nad yw'r awdurdod yn derbyn y cais fel un ar ffurf ysgrifenedig sy'n ddigonol yn amgylchiadau'r achos, o ystyried digonolrwydd yr wybodaeth a'r dystiolaeth ysgrifenedig, caiff yr awdurdod gyflenwi copi o'r ffurflen gymeradwy i'r ceisydd neu ofyn am wybodaeth neu dystiolaeth bellach.

(2) Bydd cais a wneir ar ffurflen a ddarparwyd gan yr awdurdod wedi ei gwblhau'n briodol os cwblheir ef yn unol â'r cyfarwyddiadau ar y ffurflen, gan gynnwys unrhyw gyfarwyddiadau i ddarparu gwybodaeth a thystiolaeth mewn cysylltiad â'r cais.

5.—(1) Os yw cais a wneir drwy gyfathrebiad electronig yn ddiffygiol, rhaid i'r awdurdod roi cyfle i'r person sy'n gwneud y cais gywiro'r diffyg.

(2) Bydd cais a wneir drwy gyfathrebiad electronig yn ddiffygiol os nad yw'r ceisydd yn darparu'r holl wybodaeth y gofynnir amdani gan yr awdurdod.

6. Mewn achos penodol caiff yr awdurdod bennu na fydd cais a wneir dros y teleffon yn ddilys oni fydd y person sy'n gwneud y cais yn cymeradwyo datganiad ysgrifenedig o amgylchiadau'r person hwnnw a ddarperir gan yr awdurdod.

7.—(1) Os yw cais a wneir dros y teleffon yn ddiffygiol, rhaid i'r awdurdod roi cyfle i'r person sy'n gwneud y cais gywiro'r diffyg.

(2) Bydd cais a wneir dros y teleffon yn ddiffygiol os na fydd y ceisydd yn darparu'r holl wybodaeth y gofynnir amdani gan yr awdurdod yn ystod yr alwad deffon.

RHAN 2

Y weithdrefn ar gyfer gwneud apêl

Gweithdrefn y caiff person ei dilyn i apelio yn erbyn penderfyniadau penodol yr awdurdod

8.—(1) Caiff person a dramgwyddir gan benderfyniad yr awdurdod sy'n effeithio ar—

- (a) hawlogaeth y person hwnnw i gael gostyngiad o dan y cynllun hwn; neu

4.—(1) Where an application made in writing is defective because—

- (a) it was made on the form approved for the purpose but that form is not accepted by the authority as being properly completed, the authority may request the applicant to complete the defective application; or
- (b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence, the authority may supply the applicant with the approved form or request further information or evidence.

(2) An application made on an approved form is properly completed if it is completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.

5.—(1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.

6. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of that person's circumstances provided by the authority.

7.—(1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

PART 2

Procedure for making an appeal

Procedure by which a person may make an appeal against certain decisions of the authority

8.—(1) A person who is aggrieved by a decision of the authority which affects—

- (a) a person's entitlement to a reduction under this scheme; or

- (b) swm unrhyw ostyngiad o dan y cynllun hwn,
- (c) gyflwyno hysbysiad ysgrifenedig i'r awdurdod, yn datgan y mater sy'n peri tramgwydd i'r person hwnnw, ac ar ba sail y tramgwyddir y person hwnnw.

(2) Rhaid cyflwyno hysbysiad o dan is-baragraff (1) o fewn un mis o'r dyddiad y cyflwynwyd yr hysbysiad ynghylch penderfyniad yr awdurdod, neu pan fo person wedi gofyn am ddatganiad ysgrifenedig yn unol â pharagraff 115(5) o'r cynllun hwn (gofyn am ddatganiad o resymau ysgrifenedig), o fewn un mis o'r dyddiad y cyflwynwyd y datganiad o resymau.

9. Rhaid i'r awdurdod—

- (a) ystyried y mater y mae'r hysbysiad yn ymwneud ag ef;
- (b) hysbysu'r person a dramgwyddwyd mewn ysgrifen i'r perwyl, naill ai—
 - (i) nad yw'r sail yn gadarn, gan roi rhesymau dros y gred honno; neu
 - (ii) bod camau wedi eu cymryd i unioni'r tramgwydd, gan ddatgan pa gamau a gymerwyd.

10. Os yw'r person yn parhau wedi ei dramgwyddo ar ôl ei hysbysu o dan baragraff 9(b)(i) neu (ii), neu os yw'r awdurdod wedi methu â hysbysu'r person a dramgwyddwyd yn unol â pharagraff 9(b) o fewn dau fis ar ôl cyflwyno'r hysbysiad gan y person, caiff y person apelio i'r tribiwnlys prisio o dan adran 16 o Ddeddf 1992.

RHAN 3

Y weithdrefn ar gyfer gwneud cais am ostyngiad disgresiynol

Gweithdrefn ar gyfer gwneud cais i awdurdod am ostyngiad o dan adran 13A(1)(c) o Ddeddf 1992

11.—(1) Rhaid gwneud cais i awdurdod am ostyngiad o dan adran 13A(1)(c) o Ddeddf 1992—

- (a) mewn ysgrifen,
- (b) drwy gyfathrebiad electronig yn unol â Rhan 4 o'r Atodlen hon, neu
- (c) os yw'r awdurdod wedi cyhoeddi rhif teleffon at y diben o gael ceisiadau o'r fath, dros y teleffon.

(2) Os—

- (a) yw'r awdurdod wedi gwneud penderfyniad o dan adran 13A(1)(c) mewn perthynas â dosbarth o achosion y gostyngir yr atebolrwydd ynddo; a

- (b) the amount of any reduction under this scheme,
- (c) may serve a written notice on the authority stating the matter by which, and the grounds on which, the person is aggrieved.

(2) A notice under sub-paragraph (1) must be served within one month of the date of service of the notification of the decision of the authority, or where a person has made a request for a written statement in accordance with paragraph 115(5) of this scheme (request for statement of written reasons), within one month of the date of service of the statement of reasons.

9. The authority must—

- (a) consider the matter to which the notice relates;
- (b) notify the aggrieved person in writing—
 - (i) that the ground is not well founded, giving reasons for that belief; or
 - (ii) that steps have been taken to deal with the grievance, stating the steps taken.

10. Where, following notification under paragraph 9(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with paragraph 9(b) within two months of the service of the person's notice, the person may appeal to a valuation tribunal under section 16 of the 1992 Act.

PART 3

Procedure for applying for a discretionary reduction

Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act

11.—(1) An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made—

- (a) in writing;
- (b) by means of an electronic communication in accordance with Part 4 of this Schedule; or
- (c) where the authority has published a telephone number for the purposes of receiving such applications, by telephone.

(2) Where—

- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and

- (b) fel arall, byddai hawl gan berson yn y dosbarth hwnnw i gael gostyngiad o dan y cynllun hwn,

caniateir trin cais y person hwnnw am ostyngiad o dan y cynllun hwn fel cais hefyd am ostyngiad o dan adran 13A(1)(c).

- (b) a person in that class would otherwise be entitled to a reduction under this scheme,

that person's application for a reduction under this scheme may also be treated as an application for a reduction under section 13A (1)(c).

RHAN 4

Cyfathrebu electronig

Dehongli

12. Yn y Rhan hon o'r Atodlen hon—

mae "gwybodaeth" ("*information*") yn cynnwys cais am ostyngiad o dan y cynllun hwn, tystysgrif, hysbysiad neu dystiolaeth arall;

ystyr "system gyfrifiadurol swyddogol" ("*official computer system*") yw system gyfrifiadurol a gynhelir gan neu ar ran awdurdod, ar gyfer anfon, cael, prosesu neu storio unrhyw wybodaeth.

Amodau ar gyfer defnyddio cyfathrebu electronig

13.—(1) Caiff awdurdod ddefnyddio cyfathrebiad electronig mewn cysylltiad â chais am, a dyfarniad o, ostyngiad o dan y cynllun hwn.

(2) Caiff person ac eithrio'r awdurdod ddefnyddio cyfathrebiad electronig mewn cysylltiad â'r materion y cyfeirir atynt yn is-baragraff (1) os bodlonir yr amodau a bennir yn is-baragraffau (3) i (6).

(3) Yr amod cyntaf yw y caniateir i'r person hwnnw, am y tro, ddefnyddio cyfathrebiad electronig, gan awdurdodiad a roddwyd ar ffurf cyfarwyddyd gan Brif Weithredwr yr awdurdod.

(4) Yr ail amod yw fod y person yn defnyddio dull cymeradwy—

- (a) o ddilysu manylion adnabod anfonwr y cyfathrebiad;
- (b) o gyfathrebu yn electronig;
- (c) o ddilysu unrhyw gais neu hysbysiad a gyflenwir drwy gyfathrebiad electronig; a
- (d) yn ddarostyngedig i is-baragraff (7), o gyflwyno unrhyw wybodaeth i'r awdurdod.

(5) Y trydydd amod yw fod unrhyw wybodaeth a anfonir drwy gyfathrebiad electronig mewn ffurf a gymeradwywyd at ddibenion y Rhan hon o'r Atodlen hon.

(6) Y pedwerydd amod yw fod y person yn cadw pa bynnag gofnodion mewn ffurf ysgrifenedig neu

PART 4

Electronic communication

Interpretation

12. In this Part of this Schedule—

"information" ("*gwybodaeth*") includes an application for a reduction under this scheme and a certificate, notice or other evidence;

"official computer system" ("*system gyfrifiadurol swyddogol*") means a computer system maintained by or on behalf of the authority for the sending, receiving, processing or storing of any information.

Conditions for the use of electronic communication

13.—(1) The authority may use an electronic communication in connection with applications for, and awards of, reductions under this scheme.

(2) A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

(3) The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.

(4) The second condition is that the person uses an approved method of—

- (a) authenticating the identity of the sender of the communication;
- (b) electronic communication;
- (c) authenticating any application or notice delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the authority any information.

(5) The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes of this Part of this Schedule.

(6) The fourth condition is that the person maintains such records in written or electronic form as may be

electronig, a bennir mewn cyfarwyddyd a roddir gan Brif Weithredwr yr awdurdod.

(7) Os yw'r person yn defnyddio unrhyw ddull arall, ac eithrio'r dull cymeradwy o gyflwyno unrhyw wybodaeth, rhaid trin yr wybodaeth honno fel pe na bai wedi ei chyflwyno.

(8) Yn y paragraff hwn, ystyr "cymeradwy" ("approved") yw cymeradwy drwy gyfarwyddyd a roddwyd gan Brif Weithredwr yr awdurdod at ddibenion y Rhan hon o'r Atodlen hon.

Defnyddio cyfryngwyr

14. Caiff awdurdod ddefnyddio cyfryngwyr mewn cysylltiad ag—

- (a) cyflenwi unrhyw wybodaeth drwy gyfathrebu electronig; a
- (b) dilysu neu ddiogelu unrhyw beth a drawsyrir drwy ddulliau o'r fath,

a chaiff ei gwneud yn ofynnol bod personau eraill yn defnyddio cyfryngwyr mewn cysylltiad â'r materion hynny.

Effaith cyflenwi gwybodaeth drwy gyfathrebu electronig

15.—(1) Rhaid trin unrhyw wybodaeth a gyflenwir drwy gyfrwng cyfathrebiad electronig fel pe bai wedi ei chyflenwi yn y modd neu'r ffurf sy'n ofynnol gan unrhyw ddarpariaeth o'r cynllun hwn, ar y diwrnod y bydd yr amodau a osodir—

- (a) gan y Rhan hon; a
- (b) gan neu o dan ddeddfiad,

wedi eu bodloni.

(2) Caiff awdurdod benderfynu bod unrhyw wybodaeth i'w thrin fel pe bai wedi ei chyflenwi ar ddiwrnod gwahanol (boed yn gynharach neu'n ddiweddarach) i'r diwrnod y darperir ar ei gyfer yn is-baragraff (1).

(3) Rhaid peidio ag ystyried bod gwybodaeth wedi ei chyflenwi i system gyfrifiadurol swyddogol drwy gyfathrebiad electronig hyd nes bo'r wybodaeth wedi ei derbyn gan y system y cyflenwir yr wybodaeth iddi.

Profi adnabyddiaeth o anfonwr neu dderbynydd gwybodaeth

16. Os bydd angen profi, at ddibenion unrhyw achos cyfreithiol, adnabyddiaeth o—

- (a) anfonwr unrhyw wybodaeth a gyflenwyd drwy gyfathrebiad electronig i system gyfrifiadurol swyddogol; neu

specified in a direction given by the Chief Executive of the authority.

(7) Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

(8) In this paragraph "approved" ("*cymeradwy*") means approved by means of a direction given by the Chief Executive of the authority for the purposes of this Part of this Schedule.

Use of intermediaries

14. The authority may use intermediaries in connection with—

- (a) the delivery of any information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

Effect of delivering information by means of electronic communication

15.—(1) Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of this scheme, on the day the conditions imposed—

- (a) by this Part of this Schedule; and
- (b) by or under an enactment,

are satisfied.

(2) The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

(3) Information is not to be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

Proof of identity of sender or recipient of information

16. If it is necessary to prove, for the purpose of any legal proceedings, the identity of—

- (a) the sender of any information delivered by means of an electronic communication to an official computer system; or

- (b) derbynnydd unrhyw wybodaeth o'r fath a gyflenwyd drwy gyfathrebiad electronig o system gyfrifiadurol swyddogol,

rhagdybir mai'r anfonwr neu'r derbynnydd, yn ôl fel y digwydd, yw'r person y cofnodir ei enw fel y cyfryw ar y system gyfrifiadurol swyddogol honno.

Prawf o gyflenwi gwybodaeth

17.—(1) Os bydd angen profi, at ddibenion unrhyw achos cyfreithiol, fod y defnydd o gyfathrebiad electronig wedi arwain at gyflenwi unrhyw wybodaeth, rhagdybir bod hynny wedi digwydd—

- (a) pan fo unrhyw wybodaeth o'r fath wedi ei chyflenwi i'r awdurdod os yw cyflenwi'r wybodaeth honno wedi ei gofnodi ar system gyfrifiadurol swyddogol; neu
- (b) pan fo unrhyw wybodaeth o'r fath wedi ei chyflenwi gan yr awdurdod os yw cyflenwi'r wybodaeth honno wedi ei gofnodi ar system gyfrifiadurol swyddogol.

(2) Os bydd angen profi, at ddibenion unrhyw achos cyfreithiol, fod y defnydd o gyfathrebiad electronig wedi arwain at gyflenwi unrhyw wybodaeth o'r fath, rhagdybir na ddigwyddodd hynny os nad yw cyflenwi'r wybodaeth honno i'r awdurdod wedi ei gofnodi ar system gyfrifiadurol swyddogol.

(3) Os bydd angen profi, at ddibenion unrhyw achos cyfreithiol, pa bryd y derbyniwyd unrhyw wybodaeth o'r fath a anfonwyd drwy gyfathrebiad electronig, rhagdybir mai'r amser a'r dyddiad derbyn fydd yr amser a'r dyddiad a gofnodir ar system gyfrifiadurol swyddogol.

Prawf o gynnwys gwybodaeth

18. Os bydd angen profi, at ddibenion unrhyw achos cyfreithiol, yr hyn sy'n gynnwysedig mewn unrhyw wybodaeth a anfonwyd drwy gyfathrebiad electronig, rhagdybir mai'r cynnwys yw'r hyn a gofnodwyd ar system gyfrifiadurol swyddogol.

- (b) the recipient of any such information delivered by means of an electronic communication from an official computer system,

the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

Proof of delivery of information

17.—(1) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is to be presumed to have been the case where—

- (a) any such information has been delivered to the authority, if the delivery of that information has been recorded on an official computer system; or
- (b) any such information has been delivered by the authority, if the delivery of that information has been recorded on an official computer system.

(2) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is to be presumed not to be the case, if that information delivered to the authority has not been recorded on an official computer system.

(3) If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is to be presumed to be that recorded on an official computer system.

Proof of content of information

18. If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is to be presumed to be that recorded on an official computer system.

ATODLEN 2

Symiau cymwysadwy: pensïynwyr

RHAN 1

Lwfansau personol

Lwfans personol

1. Y swm a bennir yng ngholofn (2) isod mewn perthynas â phob person neu gwpl a bennir yng ngholofn (1) yw'r swm a bennir at ddibenion paragraff 23(1)(a) o'r cynllun hwn.

Colofn (1) Person, cwpl neu briodas amlbriod	Colofn (2) Swm
(1) Ceisydd sengl neu unig riant— (a) o dan 65 oed; (b) 65 oed neu drosodd.	£145.40; £163.50.
(2) Cwpl— (a) y ddau aelod o dan 65 oed; (b) un aelod neu'r ddau yn 65 oed neu drosodd	£222.05; £244.95.
(3) Os yw'r ceisydd yn aelod o briodas amlbriod ac nad oes yr un aelod o'r briodas wedi cyrraedd 65 oed— (a) ar gyfer y ceisydd a'r parti arall i'r briodas; (b) ar gyfer pob priod ychwanegol sy'n aelod o'r un aelwyd â'r ceisydd.	£222.05; £76.65.

SCHEDULE 2

Applicable amounts: pensioners

PART 1

Personal allowances

Personal allowance

1. The amount specified in column (2) below in respect of each person or couple specified in column (1) is the amount specified for the purposes of paragraph 23(1)(a) of this scheme.

Column (1) Person, Couple or polygamous marriage	Column (2) Amount
(1) Single applicant or lone parent— (a) aged under 65; (b) aged 65 or over.	£145.40; £163.50.
(2) Couple— (a) both members aged under 65; (b) one or both members aged 65 or over	£222.05; £244.95.
(3) If the applicant is a member of a polygamous marriage and none of the members of the marriage has attained the age of 65— (a) for the applicant and the other party to the marriage; (b) for each additional spouse who is a member of the same household as the applicant.	£222.05; £76.65.

<p>(4) Os yw'r ceisydd yn aelod o briodas amlbriod ac un neu ragor o aelodau'r briodas yn 65 oed neu drosodd—</p> <p>(a) ar gyfer y ceisydd a'r parti arall i'r briodas;</p> <p>(b) ar gyfer pob priod ychwanegol sy'n aelod o'r un aelwyd â'r ceisydd.</p>	<p>£244.95;</p> <p>£81.45.</p>	<p>(4) If the applicant is a member of a polygamous marriage and one or more members of the marriage are aged 65 or over—</p> <p>(a) for the applicant and the other party to the marriage;</p> <p>(b) for each additional spouse who is a member of the same household as the applicant.</p>	<p>£244.95;</p> <p>£81.45.</p>
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Symiau plentyn neu berson ifanc

2.—(1) Y symiau a bennir yng ngholofn (2) isod, mewn perthynas â phob person a bennir yng ngholofn (1), yw'r symiau ar gyfer y cyfnod perthnasol a bennir yng ngholofn (1), a bennir at ddibenion paragraff 23(1)(b) o'r cynllun hwn

Child or young person amounts

2.—(1) The amounts specified in column (2) below in respect of each person specified in column (1) are the amounts, for the relevant period specified in column (1), specified for the purposes of paragraph 23(1)(b) of this scheme.

Colofn (1) Plentyn neu berson ifanc	Colofn (2) Swm	Column (1) Child or Young Person	Column (2) Amount
<p>Person mewn perthynas â'r cyfnod—</p> <p>(a) sy'n cychwyn ar ddyddiad geni'r person hwnnw ac yn dod i ben ar y diwrnod cyn y dydd Llun cyntaf ym Medi sy'n dilyn unfed pen-blwydd ar bymtheg y person hwnnw;</p> <p>(b) sy'n cychwyn ar y dydd Llun cyntaf ym Medi sy'n dilyn unfed pen-blwydd ar bymtheg y person hwnnw ac yn diweddu ar y diwrnod cyn ugeinfed pen-blwydd y person hwnnw.</p>	<p>£65.62;</p> <p>£65.62.</p>	<p>Person in respect of the period—</p> <p>(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;</p> <p>(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.</p>	<p>£65.62;</p> <p>£65.62.</p>

(2) Yng ngholofn (1) o'r tabl, ystyr “y dydd Llun cyntaf ym Medi” (“*the first Monday in September*”) yw'r dydd Llun sy'n digwydd gyntaf yn ystod mis Medi mewn unrhyw flwyddyn.

(2) In column (1) of the table “the first Monday in September” (“*y dydd Llun cyntaf ym Medi*”) means the Monday which first occurs in the month of September in any year.

RHAN 2

Premiwm teulu

Premiwm teulu

3. Y swm at ddibenion paragraff 23(1)(c) o'r cynllun hwn mewn perthynas â theulu y mae o leiaf un aelod ohono'n blentyn neu'n berson ifanc yw £17.40.

RHAN 3

Premiymau

4. At ddibenion paragraff 23(1)(d) o'r cynllun hwn, bydd y premiymau a bennir yn Rhan 4 yn gymwysadwy i geisydd sy'n bodloni'r amod a bennir yn y Rhan hon mewn perthynas â'r premiwm hwnnw.

5.—(1) Yn ddarostyngedig i is-baragraff (2), at ddibenion y Rhan hon o'r Atodlen hon, unwaith y bydd premiwm yn gymwysadwy i geisydd o dan y Rhan hon, rhaid trin person fel pe bai'n cael unrhyw fudd-dal—

- (a) yn achos budd-dal y mae Rheoliadau Nawdd Cymdeithasol (Budd-daliadau sy'n Gorgyffwrdd) 1979(1) yn gymwys iddo, yn ystod unrhyw gyfnod y byddai'r person, oni bai am y ddarpariaeth o'r Rheoliadau hynny, yn cael y budd-dal hwnnw; a
- (b) yn ystod unrhyw gyfnod a dreulir gan berson yn ymgymryd â chwrs o hyfforddiant neu gyfarwyddyd a ddarperir neu a gymeradwyir gan yr Ysgrifennydd Gwladol neu Weinidogion Cymru o dan adran 2 o Ddeddf Cyflogaeth a Hyfforddiant 1973(2), neu gan Ddatblygu Sgiliau yr Alban, Menter yr Alban neu Fenter yr Ucheldiroedd a'r Ynysoedd o dan adran 2 o Ddeddf Menter a Threfi Newydd (Yr Alban) 1990(3) neu yn ystod unrhyw gyfnod pan fo'r person hwnnw'n cael lwfans hyfforddi.

(2) At ddibenion y premiwm gofalwr o dan baragraff 9 o'r Atodlen hon, ni ddylid trin person fel pe bai'n cael lwfans gofalwr yn rhinwedd is-baragraff (1)(a) ac eithrio pan a chyhyd ag y bo'r person yr hawliwyd y lwfans mewn perthynas â'i ofal yn dal i gael lwfans gweini, neu elfen ofal y lwfans byw i'r anabl ar y gyfradd uchaf neu'r gyfradd ganol a ragnodir yn unol ag adran 72(3) o DCBNC, neu elfen byw dyddiol y taliad annibyniaeth bersonol a delir ar y naill neu'r llall o'r cyfraddau a ragnodir yn unol â Rhan 4 o Ddeddf Diwygio Lles 2012, neu TALIA.

(1) O.S. 1979/597.
(2) 1973 p.50.
(3) 1990 p.35.

PART 2

Family premium

Family premium

3. The amount for the purposes of paragraph 23(1)(c) of this scheme in respect of a family of which at least one member is a child or young person is £17.40.

PART 3

Premiums

4. The premiums specified in Part 4 are, for the purposes of paragraph 23(1)(d) of this scheme, to be applicable to an applicant who satisfies the condition specified in this Part in respect of that premium.

5.—(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person is to be treated as being in receipt of any benefit for—

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979(1) applies, any period during which, apart from the provision of those Regulations, that person would be in receipt of that benefit; and
- (b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State or the Welsh Ministers under section 2 of the Employment and Training Act 1973(2), or by Skills Development Scotland, Scottish Enterprise or Highland and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990(3) or for any period during which that person is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 9 of this Schedule, a person is to be treated as being in receipt of a carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 or AFIP.

(1) S.I. 1979/597.
(2) 1973 c.50.
(3) 1990 c.35.

Premiwm anabledl difrifol

6.—(1) Yr amod yw fod y ceisydd yn berson ag anabledl difrifol.

(2) At ddibenion is-baragraff (1), rhaid trin ceisydd fel pe bai'n berson ag anabledl difrifol—

- (a) yn achos ceisydd sengl, unig riant neu geisydd a drinnir fel pe na bai ganddo bartner o ganlyniad i is-baragraff (3) os, ac yn unig os—
 - (i) yw'r ceisydd yn cael lwfans gweini, neu elfen ofal y lwfans byw i'r anabl ar y gyfradd uchaf neu'r gyfradd ganol a ragnodir yn unol ag adran 72(3) o DCBNC, neu elfen byw dyddiol y taliad annibyniaeth bersonol a delir ar y naill neu'r llall o'r cyfraddau a ragnodir yn unol â Rhan 4 o Ddeddf Diwygio Lles 2012, neu TALIA; a
 - (ii) yn ddarostyngedig i is-baragraff (6), nad oes gan y ceisydd unrhyw annibynyddion sy'n 18 oed neu drosodd ac yn preswyllo fel arfer gyda'r ceisydd, neu y mae'r ceisydd fel arfer y preswyllo gyda hwy; a
 - (iii) nad oes neb sydd â hawl i gael, ac yn cael, lwfans gofaluwr mewn perthynas â gofalu am y ceisydd;
- (b) yn achos ceisydd sydd â phartner, os ac yn unig os—
 - (i) yw'r ceisydd yn cael lwfans gweini, neu elfen ofal y lwfans byw i'r anabl ar y gyfradd uchaf neu'r gyfradd ganol a ragnodir yn unol ag adran 72(3) o DCBNC, neu elfen byw dyddiol y taliad annibyniaeth bersonol a delir ar y naill neu'r llall o'r cyfraddau a ragnodir yn unol â Rhan 4 o Ddeddf Diwygio Lles 2012, neu TALIA;
 - (ii) yw partner y ceisydd hefyd yn cael lwfans o'r fath neu, pan fo'r ceisydd yn aelod o briodas amlbriod, pob aelod arall o'r briodas honno'n cael lwfans o'r fath; a
 - (iii) yn ddarostyngedig i is-baragraff (6), nad oes gan y ceisydd unrhyw annibynyddion sy'n 18 oed neu drosodd ac yn preswyllo fel arfer gyda'r ceisydd, neu y mae'r ceisydd fel arfer y preswyllo gyda hwy,

a naill ai mae person sydd â hawl i gael ac yn cael, lwfans gofaluwr mewn perthynas â gofalu am un aelod yn unig o'r cwpl, neu, os yw'r ceisydd yn aelod o briodas amlbriod, am un neu ragor ond nid pob un o aelodau'r briodas, neu, yn ôl fel y digwydd, nad oes

Severe disability premium

6.—(1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if—

- (a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)—
 - (i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or AFIP; and
 - (ii) subject to sub-paragraph (6), the applicant has no non-dependants aged 18 or over normally residing with the applicant or with whom the applicant is normally residing; and
 - (iii) no person is entitled to, and in receipt of, a carer's allowance in respect of caring for the applicant;
- (b) in the case of an applicant who has a partner—
 - (i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or AFIP;
 - (ii) the applicant's partner is also in receipt of such an allowance or, if the applicant is a member of a polygamous marriage, each other member of that marriage is in receipt of such an allowance; and
 - (iii) subject to sub-paragraph (6), the applicant has no non-dependants aged 18 or over normally residing with the applicant or with whom the applicant is normally residing,

and either a person is entitled to and in receipt of a carer's allowance in respect of caring for only one of the couple or, if the applicant is a member of a polygamous marriage, for one or more but not all the members of the marriage, or as the case may be, no

person sydd â hawl i gael ac yn cael, lwfans o'r fath mewn perthynas â gofalu am y naill na'r llall o aelodau'r cwpl, neu am unrhyw aelod o'r briodas.

(3) Pan fo gan geisydd bartner nad yw'n bodloni'r amod yn is-baragraff (2)(b)(ii), a'r partner hwnnw'n ddall neu'n cael ei drin fel pe bai'n ddall o fewn ystyr is-baragraff (4), rhaid trin y partner hwnnw at ddibenion is-baragraff (2) fel pe na bai'r partner hwnnw'n bartner i'r ceisydd.

(4) At ddibenion is-baragraff (3), mae person yn ddall os yw'r person hwnnw wedi ei gofrestru mewn cofrestr a gedwir gan awdurdod o dan adran 29 o Ddeddf Cymorth Gwladol 1948(1) (gwasanaethau lles) neu, yn yr Alban, wedi ei ardystio'n ddall ac, o ganlyniad, wedi ei gofrestru mewn cofrestr a gynhelir gan, neu ar ran, cyngor a gyfansoddwyd o dan adran 2 o Ddeddf Llywodraeth Leol (Yr Alban) 1994(2).

(5) At ddibenion is-baragraff (4), yn achos person y peidiwyd â'i gofrestru fel person dall wedi iddo adennill ei olwg, rhaid ei drin, er gwaethaf hynny, fel pe bai'n ddall ac yn bodloni'r amod ychwanegol a bennir yn yr is-baragraff hwnnw am gyfnod o 28 wythnos yn dilyn y dyddiad y peidiwyd â chofrestru'r person felly.

(6) At ddibenion is-baragraff (2)(a)(ii) a (2)(b)(iii) rhaid peidio â chymryd i ystyriaeth—

- (a) person sy'n cael lwfans gweini, neu elfen ofal y lwfans byw i'r anabl ar y gyfradd uchaf neu'r gyfradd ganol a ragnodir yn unol ag adran 72(3) o DCBNC, neu elfen byw dyddiol y taliad annibyniaeth bersonol a delir ar y naill neu'r llall o'r cyfraddau a ragnodir yn unol â Rhan 4 o Ddeddf Diwygio Lles 2012, neu TALIA; neu
- (b) person sy'n ddall neu a drinnir fel pe bai'n ddall o fewn ystyr is-baragraffau (4) a (5).

(7) At ddibenion is-baragraff (2)(b) rhaid trin person—

- (a) fel pe bai'n cael lwfans gweini, neu elfen ofal y lwfans byw i'r anabl ar y gyfradd uchaf neu'r gyfradd ganol a ragnodir yn unol ag adran 72(3) o DCBNC, os byddai'r person hwnnw'n yn cael y lwfans hwnnw neu'r elfen honno felly, pe na bai wedi bod yn glaf am gyfnod hwy na 28 diwrnod;
- (b) fel pe bai'n cael elfen byw dyddiol y taliad annibyniaeth bersonol a delir ar y gyfradd a ragnodir yn unol â Rhan 4 o Ddeddf Diwygio Lles 2012 os byddai'r person yn cael yr elfen honno felly, pe na bai wedi bod yn glaf am gyfnod hwy na

person is entitled to and in receipt of such an allowance in respect of caring for either member of a couple or any of the members of the marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of sub-paragraph (4), that partner is to be treated for the purposes of sub-paragraph (2) as if that partner were not a partner of the applicant.

(4) For the purposes of sub-paragraph (3), a person is blind if that person is registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948(1) (welfare services) or, in Scotland, has been certified as blind and in consequence that person is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994(2).

(5) For the purposes of sub-paragraph (4), a person who has ceased to be registered as blind on regaining that person's eyesight is nevertheless to be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which that person ceased to be so registered.

(6) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of—

- (a) a person receiving attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or AFIP; or
- (b) a person who is blind or is treated as blind within the meaning of sub-paragraphs (4) and (5).

(7) For the purposes of sub-paragraph (2)(b) a person is to be treated—

- (a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, if that person would, but for that person's being a patient for a period exceeding 28 days, be so in receipt;
- (b) as being in receipt of the daily living component of personal independence payment paid at the rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 if that person would, but

(1) 1948 p.29.
(2) 1994 p.39.

(1) 1948 c.29.
(2) 1994 c.39.

28 diwrnod, er gwaethaf adran 86 o'r Ddeddf honno a rheoliadau a wnaed o dan yr adran honno;

- (c) fel pe bai'n cael TALIA, os byddai'r person hwnnw'n cael y taliad hwnnw felly oni bai am atal y taliad dros dro yn unol ag unrhyw delerau cynllun digolledu'r lluoedd arfog a'r lluoedd wrth gefn sy'n caniatáu ataliad dros dro oherwydd bod person yn cael triniaeth feddygol mewn ysbyty neu sefydliad cyffelyb;
- (d) fel pe bai hawl ganddo i gael, ac yn cael, lwfans gofalwr, os byddai ganddo hawl i gael ac y byddai'n cael y lwfans hwnnw felly pe na bai'r person y mae'r person hwnnw'n gofalu amdano yn glaf mewn ysbyty am gyfnod hwy nag 28 diwrnod.

(8) At ddibenion is-baragraff (2)(a)(iii) a (2)(b)—

- (a) rhaid peidio â chymryd i ystyriaeth ddyfarniad o lwfans gofalwr, i'r graddau y mae taliad o'r cyfryw ddyfarniad wedi ei ôl-ddyddio ar gyfer cyfnod cyn y dyddiad y talwyd y dyfarniad gyntaf; a
- (b) mae cyfeiriadau at berson sy'n cael lwfans gofalwr yn cynnwys cyfeiriadau at berson a fyddai wedi bod yn cael y lwfans hwnnw oni bai am weithredu cyfyngiad o dan adran 6B neu 7 o Ddeddf Twyll Nawdd Cymdeithasol 2001(1) (darpariaethau colli budd-dal).

Premiwm anabledl uwch

7.—(1) Yr amod yw bod—

- (a) elfen ofal y lwfans byw i'r anabl yn daladwy ar y gyfradd uchaf a ragnodir o dan adran 73(2) o DCBNC, neu y byddai'n daladwy oni bai am atal budd-dal dros dro yn unol â rheoliadau o dan adran 113(2) o'r Ddeddf honno, neu oni bai am leihad oherwydd traddodi i ysbyty;
- (b) elfen byw dyddiol y taliad annibyniaeth bersonol yn daladwy ar y gyfradd uwch a ragnodir yn unol ag adran 78(2) o Ddeddf Diwygio Lles 2012, neu byddai'n daladwy oni bai am atal budd-dal dros dro yn unol â rheoliadau o dan adran 86 o'r Ddeddf honno; neu
- (c) TALIA yn daladwy,
- (d) mewn perthynas â phlentyn neu berson ifanc sy'n aelod o deulu'r ceisydd.

for that person's being a patient for a period exceeding 28 days, be so in receipt, notwithstanding section 86 of that Act and regulations made thereunder;

- (c) as being in receipt of AFIP if the person would be so in receipt but for a suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for suspension because a person is undergoing medical treatment in a hospital or similar institution;
- (d) as being entitled to and in receipt of a carer's allowance if that person would, but for the person for whom that person was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.

(8) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b)—

- (a) no account is to be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid; and
- (b) references to a person being in receipt of a carer's allowance are to include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001(1) (loss of benefit provisions).

Enhanced disability premium

7.—(1) The condition is that—

- (a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 73(2) of that Act;
- (b) the daily living component of personal independence payment is, or would, but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012, be payable at the enhanced rate prescribed in accordance with section 78(2) of that Act; or
- (c) AFIP is payable,
- (d) in respect of a child or young person who is a member of the applicant's family.

(2) Os peidir â bodloni'r amod yn is-baragraff (1) oherwydd marwolaeth plentyn neu berson ifanc, yr amod yw fod hawl gan y ceisydd neu bartner i gael budd-dal plant mewn perthynas â'r plentyn neu'r person ifanc o dan adran 145A o DCBNC (hawlogaeth ar ôl marwolaeth plentyn neu berson ifanc cymwys).

Premiwm plentyn anabl

8. Yr amod yw fod plentyn neu berson ifanc y mae'r ceisydd neu bartner y ceisydd yn gyfrifol amdano ac sy'n aelod o aelwyd y ceisydd—

- (a) yn cael lwfans byw i'r anabl neu daliad annibyniaeth bersonol neu nad yw bellach yn cael y cyfryw lwfans neu daliad oherwydd bod y plentyn neu berson ifanc yn glaf, ar yr amod bod y plentyn neu berson ifanc yn parhau'n aelod o'r teulu; neu
- (b) yn ddall o fewn ystyr paragraff 6(4) o'r Atodlen hon neu'n cael ei drin fel pe bai'n ddall yn unol â pharagraff 6(5); neu
- (c) yn blentyn neu berson ifanc y mae adran 145A o DCBNC (hawlogaeth ar ôl marwolaeth plentyn neu berson ifanc cymwys) yn gymwys at ddibenion hawlogaeth i fudd-dal plant ond yn unig am y cyfnod a ragnodir o dan yr adran honno, ac y cynhwyswyd premiwm plentyn anabl mewn perthynas ag ef yn swm cymwysadwy'r ceisydd yn union cyn marwolaeth y plentyn neu'r person ifanc hwnnw, neu peidiwyd â'i gynnwys yn swm cymwysadwy'r ceisydd oherwydd marwolaeth y plentyn neu'r person ifanc hwnnw.

Premiwm gofalwr

9.—(1) Yr amod yw fod hawl i gael lwfans gofalwr gan y ceisydd neu bartner y ceisydd, neu'r ddau ohonynt.

(2) Os oes premiwm gofalwr wedi ei ddyfarnu, ond—

- (a) bu farw'r person y dyfarnwyd y lwfans gofalwr mewn perthynas â'i ofal; neu
- (b) os peidiodd hawl y person y dyfarnwyd y premiwm mewn perthynas ag ef i gael lwfans gofalwr, neu os peidiodd â chael ei drin fel pe bai hawl ganddo i gael lwfans gofalwr,

rhaid trin y paragraff hwn fel pe bai wedi ei fodloni am gyfnod o wyth wythnos o'r dyddiad perthnasol a bennir yn is-baragraff (3).

(3) Y dyddiad perthnasol at ddibenion is-baragraff (2) yw—

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of the child or young person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

Disabled child premium

8. The condition is that a child or young person for whom the applicant or a partner of the applicant is responsible and who is a member of the applicant's household—

- (a) is in receipt of disability living allowance or personal independence payment or is no longer in receipt of such allowance or payment because the child or young person is a patient, provided that the child or young person continues to be a member of the family; or
- (b) is blind within the meaning of paragraph 6(4) of this Schedule or treated as blind in accordance with paragraph 6(5); or
- (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

Carer premium

9.—(1) The condition is that the applicant or the applicant's partner is, or both of them are, entitled to a carer's allowance.

(2) Where a carer premium has been awarded but—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
- (b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance,

this paragraph is to be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) is—

- (a) mewn achos o fewn is-baragraff (2)(a), y dydd Sul sy'n dilyn marwolaeth y person y dyfarnwyd y lwfans gofalwr mewn perthynas â'i ofal (neu ddyddiad y farwolaeth os digwyddodd y farwolaeth ar ddydd Sul);
- (b) mewn achos o fewn is-baragraff (2)(b), y dyddiad y peidiodd hawl y person a oedd â hawl i gael lwfans gofalwr.

(4) At ddibenion y paragraff hwn, rhaid trin person fel pe bai ganddo hawl i gael, ac yn cael, lwfans gofalwr yn ystod unrhyw gyfnod nad oedd o fewn cyfnod dyfarniad, ond y gwnaed taliad mewn perthynas ag ef yn lle dyfarniad.

Personau sy'n cael taliadau consesiynol

10. At y diben o benderfynu a oes premiwm yn gymwysadwy i berson o dan baragraffau 6 i 9 o'r Atodlen hon, rhaid trin unrhyw daliad consesiynol, a wnaed i ddigolledu'r person hwnnw oherwydd methiant i dalu unrhyw fudd-dal a grybwyllir yn y paragraffau hynny, fel pe bai'n daliad o'r budd-dal hwnnw.

Person sy'n cael budd-dal

11. At ddibenion y Rhan hon o'r Atodlen hon, mae person i'w ystyried fel pe bai'n cael unrhyw fudd-dal os, ac yn unig os, telir y budd-dal mewn perthynas â'r person hwnnw ac mae'r person i'w ystyried felly yn ystod, yn unig, pa bynnag gyfnod y telir y budd-dal hwnnw mewn perthynas ag ef.

RHAN 4

Symiau'r premiymau a bennir yn Rhan 3

Premiwm	Swm
12.—(1) Premiwm Anabledd Difrifol—	
(a) pan fo'r ceisydd yn bodloni'r amod ym mharagraff 6(2)(a);	£59.50;
(b) pan fo'r ceisydd yn bodloni'r amod ym mharagraff 6(2)(b)—	
(i) mewn achos pan fo rhywun yn cael lwfans gofalwr neu pan fo'r person hwnnw neu unrhyw bartner	£59.50;

- (a) in a case within sub-paragraph (2)(a), the Sunday following the death of the person in respect of whose care the carer's allowance has been awarded (or beginning with the date of death if the date occurred on a Sunday);
- (b) in a case within sub-paragraph (2)(b), the date on which that person who was entitled to a carer's allowance ceases to be entitled to it.

(4) For the purposes of this paragraph, a person is to be treated as being entitled to and in receipt of a carer's allowance for any period not covered by an award but in respect of which a payment is made in lieu of an award.

Persons in receipt of concessionary payments

10. For the purpose of determining whether a premium is applicable to a person under paragraphs 6 to 9 of this Schedule, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs is to be treated as if it were a payment of that benefit.

Person in receipt of benefit

11. For the purposes of this Part of this Schedule, a person is to be regarded as being in receipt of any benefit if, and only if, it is paid in respect of that person and is to be so regarded only for any period in respect of which that benefit is paid.

PART 4

Amounts of premium specified in Part 3

Provision	Amount
12.—(1) Severe Disability Premium—	
(a) where the applicant satisfies the condition in paragraph 6(2)(a);	£59.50;
(b) where the applicant satisfies the condition in paragraph 6(2)(b)—	
(i) in a case where there is someone in receipt of a carer's allowance or if that person or	£59.50;

<p>yn bodloni'r amod hwnnw yn rhinwedd paragraff 6(7) yn unig;</p> <p>(ii) mewn achos pan nad oes neb yn cael lwfans o'r fath.</p>	£119.00.	<p>any partner satisfies that condition only by virtue of paragraph 6(7);</p> <p>(ii) in a case where there is no-one in receipt of such an allowance.</p>	£119.00.
(2) Premiwm Anabled Uwch.	£23.45 mewn perthynas â phob plentyn neu berson ifanc y mae'r amodau a bennir ym mharagraff 7 o'r Atodlen hon wedi eu bodloni mewn perthynas ag ef.	(2) Enhanced Disability Premium.	£23.45 in respect of each child or young person in respect of whom the conditions specified in paragraph 7 of this Schedule are satisfied.
(3) Premiwm Plentyn Anabl.	£57.89 mewn perthynas â phob plentyn neu berson ifanc y mae'r amod a bennir ym mharagraff 8 o'r Atodlen hon wedi ei fodloni mewn perthynas ag ef.	(3) Disabled Child Premium.	£57.89 in respect of each child or young person in respect of whom the condition specified in paragraph 8 of this Schedule is satisfied
(4) Premiwm Gofalwr.	£33.30 mewn perthynas â phob person sy'n bodloni'r amod a bennir ym mharagraff 9 o'r Atodlen hon.	(4) Carer Premium.	£33.30 in respect of each person who satisfies the condition specified in paragraph 9 of this Schedule.

ATODLEN 3

Symiau cymwysadwy: personau nad ydynt yn bensiynwyr

RHAN 1

Lwfansau personol

1. Y symiau a bennir yng ngholofn (2) isod mewn perthynas â phob person neu gwpl a bennir yng ngholofn (1) yw'r symiau sydd i'w pennu at ddibenion paragraffau 24(1)(a) a 25(2)(a) a (b) o'r cynllun hwn

Colofn (1) Person neu gwpl	Colofn (2) Swm
(1) Ceisydd sengl—	
(a) sydd â hawl i gael lwfans cyflogaeth a chymorth prif wedd;	£71.70;

SCHEDULE 3

Applicable amounts: persons who are not pensioners

PART 1

Personal allowances

1. The amounts specified in column (2) below in respect of each person or couple specified in column (1) are the amounts specified for the purposes of paragraphs 24(1)(a) and 25(2)(a) and (b) of this scheme—

Column (1) Person or couple	Column (2) Amount
(1) A single applicant who—	
(a) is entitled to main phase employment and support allowance;	£71.70;

(b) nad yw'n iau na 25;	£71.70;
(c) nad yw'n iau na 18 ond sy'n iau na 25.	£56.80.
(2) Unig riant.	£71.70.
(3) Cwpl.	£112.55.

2. At ddibenion paragraff 1o'r Atodlen hon mae hawl gan geisydd i gael lwfans cyflogaeth a chymorth prif wedd—

- (a) os bodlonir paragraff 18 o'r Atodlen hon mewn perthynas â'r ceisydd; neu
- (b) os oes hawl gan y ceisydd i gael lwfans cyflogaeth a chymorth a droswyd.

3.—(1) Y symiau a bennir yng ngholofn (2) isod mewn perthynas â phob person a bennir yng ngholofn (1), ar gyfer y cyfnod perthnasol a bennir yng ngholofn (1), yw'r symiau a bennir at ddibenion paragraffau 24(1)(b) a 25(2)(c) o'r cynllun hwn—

Colofn (1) Plentyn neu berson ifanc	Colofn (2) Swm
Person mewn perthynas â'r cyfnod—	
(a) sy'n cychwyn ar ddyddiad geni'r person hwnnw ac yn diweddu ar y diwrnod cyn y dydd Llun cyntaf ym Medi sy'n dilyn unfed pen-blwydd ar bymtheg y person hwnnw;	£65.62;
(b) sy'n cychwyn ar y dydd Llun cyntaf ym Medi sy'n dilyn unfed pen-blwydd ar bymtheg y person hwnnw ac yn diweddu ar y diwrnod cyn ugeinfed pen-blwydd y person hwnnw.	£65.62.

(2) Yng ngholofn (1) o'r tabl yn is-baragraff (1), ystyr "y dydd Llun cyntaf ym Medi" ("*the first Monday in September*") yw'r dydd Llun sy'n digwydd gyntaf yn ystod mis Medi mewn unrhyw flwyddyn.

(b) is aged not less than 25;	£71.70;
(c) is aged not less than 18 but less than 25.	£56.80.
(2) Lone parent.	£71.70.
(3) Couple.	£112.55

2. For the purposes of paragraph 1 of this Schedule an applicant is entitled to main phase employment and support allowance if—

- (a) paragraph 18 of this Schedule is satisfied in relation to the applicant; or
- (b) the applicant is entitled to a converted employment and support allowance.

3.—(1) The amounts specified in column (2) below in respect of each person specified in column (1) are, for the relevant period specified in column (1), the amounts specified for the purposes of paragraphs 24(1)(b) and 25(2)(c) of this scheme—

Column (1) Child or young person	Column (2) Amount
Person in respect of the period—	
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	£65.62;
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	£65.62.

(2) In column (1) of the table in sub-paragraph (1), "the first Monday in September" ("*y dydd Llun cyntaf ym Medi*") means the Monday which first occurs in the month of September in any year.

RHAN 2

Premiwm teulu

4.—(1) Y swm at ddibenion paragraffau 24(1)(c) a 25(2)(d) mewn perthynas â theulu y mae o leiaf un aelod ohono'n blentyn neu'n berson ifanc fydd—

- (a) pan fo'r ceisydd yn unig riant y mae is-baragraff (2) yn gymwys iddo, £22.20;
- (b) mewn unrhyw achos arall, £17.40.

(2) Bydd y swm yn is-baragraff (1)(a) yn gymwys i unig riant—

- (a) yr oedd hawl ganddo i gael budd-dal treth gyngor ar 5 Ebrill 1998 ac yr oedd ei swm cymwysadwy ar y dyddiad hwnnw yn cynnwys y swm cymwysadwy dan baragraff 3(1) o Atodlen 1 i Reoliadau Budd-dal Treth Gyngor (Personau a gyrhaeddodd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth) 2006(1), fel yr oedd mewn grym ar y dyddiad hwnnw; neu
- (b) pan gaiff yr hawl i gael budd-dal treth gyngor os oedd yr unig riant hwnnw —
 - (i) wedi ei drin fel pe bai hawl ganddo i gael y budd-dal hwnnw yn unol ag is-baragraff (3) ar y diwrnod cyn dyddiad yr hawliad am y budd-dal hwnnw; a
 - (ii) hawl ganddo i gael budd-dal tai ar ddyddiad yr hawliad am fudd-dal treth gyngor, neu byddai hawl wedi bod ganddo i gael budd-dal tai ar y dyddiad hwnnw pe na bai'r diwrnod wedi digwydd yn ystod cyfnod di-rent, yn yr ystyr a roddir i "rent free period" fel y'i diffinnir gan reoliad 81 o Reoliadau Budd-dal Tai 2006(2),

ac os yw'r holl amodau a bennir yn is-baragraff (3) wedi parhau'n gymwys mewn perthynas â'r unig riant hwnnw.

(3) Yr amodau a bennwyd at ddibenion is-baragraff (2) yw, mewn perthynas â'r cyfnod sy'n cychwyn ar 6 Ebrill 1998—

- (a) nad yw'r ceisydd wedi peidio bod â hawl, neu ei drin fel pe bai ganddo hawl, i gael—
 - (i) budd-dal treth gyngor (mewn perthynas â'r cyfnod cyn 1 Ebrill 2013), a
 - (ii) gostyngiad o dan y cynllun hwn (mewn perthynas â'r cyfnod sy'n cychwyn ar 1 Ebrill 2013);

(1) O.S. 2006/216.
(2) O.S. 2006/213.

PART 2

Family premium

4.—(1) The amount for the purposes of paragraphs 24(1)(c) and 25(2)(d) in respect of a family of which at least one member is a child or young person is—

- (a) where the applicant is a lone parent to whom sub-paragraph (2) applies, £22.20;
- (b) in any other case, £17.40.

(2) The amount in sub-paragraph (1)(a) is to be applicable to a lone parent—

- (a) who was entitled to council tax benefit on 5 April 1998 and whose applicable amount on that date included the amount applicable under paragraph 3(1) of Schedule 1 to the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(1) as in force on that date; or
- (b) on becoming entitled to council tax benefit where that lone parent—
 - (i) had been treated as entitled to that benefit in accordance with sub-paragraph (3) as at the day before the date of claim for that benefit; and
 - (ii) was entitled to housing benefit as at the date of claim for council tax benefit or would have been entitled to housing benefit as at that date had that day not fallen during a rent free period as defined in regulation 81 of the Housing Benefit Regulations 2006(2),

and in respect of whom, all of the conditions specified in sub-paragraph (3) have continued to apply.

(3) The conditions specified for the purposes of sub-paragraph (2) are that, in respect of the period commencing on 6 April 1998—

- (a) the applicant has not ceased to be entitled, or has not ceased to be treated as entitled, to—
 - (i) council tax benefit (in relation to the period prior to 1 April 2013), and
 - (ii) a reduction under this scheme (in relation to the period commencing on 1 April 2013);

(1) S.I. 2006/216.
(2) S.I. 2006/213.

- (b) nad yw'r ceisydd wedi peidio â bod yn unig riant;
- (c) os oedd hawl gan y ceisydd i gael cymhorthdal incwm neu lwfans ceisio gwaith ar sail incwm ar 5 Ebrill 1998, bod y ceisydd, yn ddi-dor ers y dyddiad hwnnw, wedi bod â hawl i gael cymhorthdal incwm, lwfans ceisio gwaith ar sail incwm neu lwfans cyflogaeth a chymorth ar sail incwm neu gyfuniad o'r budd-daliadau hynny;
- (d) os nad oedd hawl gan y ceisydd i gael cymhorthdal incwm neu lwfans ceisio gwaith ar sail incwm ar 5 Ebrill 1998, nad yw'r ceisydd wedi ennill yr hawl wedyn i gael cymhorthdal incwm, lwfans ceisio gwaith ar sail incwm neu lwfans cyflogaeth a chymorth ar sail incwm; ac
- (e) nad oes premiwm o dan baragraff 9 o'r Atodlen hon, neu elfen o dan baragraff 21 neu 22 o'r Atodlen hon, wedi dod yn gymwysadwy i'r ceisydd.

(4) At ddibenion is-baragraffau (2)(b)(i) a (3)(a), rhaid trin ceisydd fel pe bai hawl ganddo i fudd-dal treth gyngor yn ystod unrhyw gyfnod os nad oedd hawl o'r fath gan y ceisydd, neu os oedd hawl o'r fath a fu ganddo wedi dod i ben ac—

- (a) os, drwy gydol y cyfnod hwnnw, dyfarnwyd budd-dal tai i'r ceisydd ac os oedd swm cymwysadwy'r ceisydd yn cynnwys y swm cymwysadwy o dan baragraff 3(1)(a) o Atodlen 3 i Reoliadau Budd-dal Tai 2006 (cyfradd premiwm teulu unig riant); neu
- (b) os byddid wedi dyfarnu budd-dal tai i'r ceisydd yn ystod y cyfnod hwnnw pe na bai'r cyfnod hwnnw wedi bod yn gyfnod di-rent yn yr ystyr a roddir i "rent free period" fel y'i diffinnir gan reoliad 81 o Reoliadau Budd-dal Tai 2006 ac os byddai swm cymwysadwy'r ceisydd drwy gydol y cyfnod hwnnw wedi cynnwys y swm cymwysadwy o dan baragraff 3(1)(a) o Atodlen 3 i'r Rheoliadau hynny.

RHAN 3

Premiymau

5. Ac eithrio fel y darperir ym mharagraff 6 o'r Atodlen hon, bydd y premiymau a bennir yn Rhan 4 o'r Atodlen hon, at ddibenion paragraffau 24(1)(d) a 25(2)(e) o'r cynllun hwn yn gymwysadwy i geisydd sy'n bodloni'r amod a bennir ym mharagraffau 9 i 14 o'r Atodlen hon mewn perthynas â'r premiwm hwnnw.

- (b) the applicant has not ceased to be a lone parent;
- (c) where the applicant was entitled to income support or to an income-based jobseeker's allowance on 5 April 1998, the applicant has continuously, since that date, been entitled to income support, an income-based jobseeker's allowance or income-related employment and support allowance or a combination of those benefits;
- (d) where the applicant was not entitled to income support or to an income-based jobseeker's allowance on 5 April 1998, the applicant has not become entitled to income support, an income-based jobseeker's allowance or an income-related employment and support allowance; and
- (e) a premium under paragraph 9 of this Schedule or a component under paragraph 21 or 22 of this Schedule has not become applicable to the applicant.

(4) For the purposes of sub-paragraphs (2)(b)(i) and (3)(a), an applicant is to be treated as entitled to council tax benefit during any period where the applicant was not, or had ceased to be, so entitled and—

- (a) throughout that period, the applicant had been awarded housing benefit and the applicant's applicable amount included the amount applicable under paragraph 3(1)(a) of Schedule 3 to the Housing Benefit Regulations 2006 (lone parent rate of family premium); or
- (b) the applicant would have been awarded housing benefit during that period had that period not been a rent free period as defined in regulation 81 of the Housing Benefit Regulations 2006 and the applicant's applicable amount throughout that period would have included the amount applicable under paragraph 3(1)(a) of Schedule 3 to those Regulations.

PART 3

Premiums

5. Except as provided in paragraph 6 of this Schedule, the premiums specified in Part 4 of this Schedule are, for the purposes of paragraphs 24(1)(d) and 25(2)(e) of this scheme, to be applicable to an applicant who satisfies the condition specified in paragraphs 9 to 14 of this Schedule in respect of that premium.

6. Yn ddarostyngedig i baragraff 7 o'r Atodlen hon, pan fo ceisydd yn bodloni'r amodau mewn perthynas â mwy nag un premiwm yn y Rhan hon o'r Atodlen hon, un premiwm yn unig fydd yn gymwys i'r ceisydd, ac os bydd eu symiau'n wahanol, y swm uwch neu uchaf fydd yn gymwys.

7. Bydd modd i'r premiymau canlynol—

- (a) premiwm anabledd difrifol, y mae paragraff 11 o'r Atodlen hon yn gymwys iddo;
- (b) premiwm anabledd uwch, y mae paragraff 12 o'r Atodlen hon yn gymwys iddo;
- (c) premiwm plentyn anabl, y mae paragraff 13 o'r Atodlen hon yn gymwys iddo; a
- (d) premiwm gofalwr, y mae paragraff 14 o'r Atodlen hon yn gymwys iddo,

fod yn gymwysadwy, yn ychwanegol at unrhyw breimiwm arall a allai fod yn gymwys o dan yr Atodlen hon.

8.—(1) Yn ddarostyngedig i is-baragraff (2), at ddibenion y Rhan hon o'r Atodlen hon, unwaith y bydd premiwm yn gymwysadwy i geisydd o dan y Rhan hon, rhaid trin person fel pe bai'n cael unrhyw fudd-dal—

- (a) yn achos budd-dal y mae Rheoliadau Nawdd Cymdeithasol (Budd-daliadau sy'n Gorgyffwrdd) 1979(1) yn gymwys iddo, yn ystod unrhyw gyfnod y byddai'r person hwnnw, oni bai am ddarpariaethau'r Rheoliadau hynny, yn cael y budd-dal hwnnw; a
- (b) yn ystod unrhyw gyfnod a dreulir gan berson yn ymgymryd â chwrs o hyfforddiant neu gyfarwyddyd a ddarperir neu a gymeradwyir gan yr Ysgrifennydd Gwladol neu Weinidogion Cymru o dan adran 2 o Ddeddf Cyflogaeth a Hyfforddiant 1973(2), neu gan Ddatblygu Sgiliau yr Alban, Menter yr Alban neu Fenter yr Ucheldiroedd a'r Ynysoedd o dan adran 2 o Ddeddf Menter a Threfi Newydd (Yr Alban) 1990(3) neu yn ystod unrhyw gyfnod pan fo'r person hwnnw'n cael lwfans hyfforddi.

(2) At ddibenion y premiwm gofalwr o dan baragraff 14 o'r Atodlen hon ni ddylid trin person fel pe bai'n cael lwfans gofalwr yn rhinwedd is-baragraff (1)(a) ac eithrio pan a chyhyd ag y bo'r person yr hawliwyd y lwfans mewn perthynas â'i ofal yn dal i gael lwfans gweini, neu elfen ofal y lwfans byw i'r anabl ar y gyfradd uchaf neu'r gyfradd ganol a ragnodir yn unol ag adran 72(3) o DCBNC, neu elfen byw dyddiol y

6. Subject to paragraph 7 of this Schedule, where an applicant satisfies the conditions in respect of more than one premium in this Part of this Schedule, only one premium is to be applicable to the applicant and, if they are different amounts, the higher or highest amount is to apply.

7. The following premiums, namely—

- (a) a severe disability premium to which paragraph 11 of this Schedule applies;
- (b) an enhanced disability premium to which paragraph 12 of this Schedule applies;
- (c) a disabled child premium to which paragraph 13 of this Schedule applies; and
- (d) a carer premium to which paragraph 14 of this Schedule applies,

may be applicable in addition to any other premium which may apply under this Schedule.

8.—(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person is to be treated as being in receipt of any benefit for—

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979(1) applies, any period during which, apart from the provisions of those Regulations, that person would be in receipt of that benefit; and
- (b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State or the Welsh Ministers under section 2 of the Employment and Training Act 1973(2) or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990(3) or for any period during which that person is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 14 of this Schedule, a person is to be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable

(1) O.S. 1979/597.

(2) 1973 p.50.

(3) 1990 p.35.

(1) S.I. 1979/597.

(2) 1973 c.50.

(3) 1990 c.35.

taliad annibyniaeth bersonol sy'n daladwy o dan Ran 4 o Ddeddf Diwygio Lles 2012, neu TALIA.

Premiwm anabled

9. Yr amod yw—

- (a) pan fo'r ceisydd yn geisydd sengl neu'n unig riant, nad yw'r ceisydd wedi cyrraedd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth ac y bodlonir yr amod ychwanegol a bennir ym mharagraff 10 o'r Atodlen hon; neu
- (b) pan fo gan y ceisydd bartner, naill ai—
 - (i) nad yw'r ceisydd wedi cyrraedd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth a bod y ceisydd yn bodloni'r amod ychwanegol a bennir ym mharagraff 10(1)(a) neu (b); neu
 - (ii) nad yw partner y ceisydd wedi cyrraedd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth a bod partner y ceisydd yn bodloni'r amod ychwanegol a bennir ym mharagraff 10(1)(a).

Amod ychwanegol ar gyfer y premiwm anabled

10.—(1) Yn ddarostyngedig i is-baragraff (2) a pharagraff 8 o'r Atodlen hon, yr amod ychwanegol y cyfeirir ato ym mharagraff 9 o'r Atodlen hon yw naill ai—

- (a) bod y ceisydd neu, yn ôl fel y digwydd, partner y ceisydd—
 - (i) yn cael un neu ragor o'r budd-daliadau canlynol: lwfans gweini, lwfans byw i'r anabl, taliad annibyniaeth bersonol, TALIA, yr elfen anabled neu'r elfen anabled difrifol o'r credyd treth gwaith fel y'u pennir yn rheoliad 20(1)(b) ac (f) o Reoliadau Credyd Treth Gwaith (Hawlogaeth a'r Gyfradd Uchaf) 2002(1), atodiad symudedd, budd-dal analluogrwydd hirdymor o dan Ran 2 o DCBNC neu lwfans anabled difrifol o dan Ran 3 o'r Ddeddf honno, ond, yn achos budd-dal analluogrwydd hirdymor neu lwfans anabled difrifol, hynny yn unig pan delir y budd-dal neu'r lwfans mewn perthynas â'r ceisydd; neu
 - (ii) wedi bod yn cael budd-dal analluogrwydd hirdymor o dan Ran 2 o DCBNC pan beidiodd yr hawlogaeth i'r budd-dal hwnnw oherwydd talu pensiwn

under Part 4 of the Welfare Reform Act 2012, or AFIP.

Disability premium

9. The condition is that—

- (a) where the applicant is a single applicant or a lone parent, the applicant has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10 of this Schedule is satisfied; or
- (b) where the applicant has a partner, either—
 - (i) the applicant has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) or (b) is satisfied by the applicant; or
 - (ii) the applicant's partner has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) is satisfied by the applicant's partner.

Additional condition for the disability premium

10.—(1) Subject to sub-paragraph (2) and paragraph 8 of this Schedule, the additional condition referred to in paragraph 9 of this Schedule is that either—

- (a) the applicant or, as the case may be, the applicant's partner—
 - (i) is in receipt of one or more of the following benefits: attendance allowance, disability living allowance, personal independence payment, AFIP, the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(1), mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement allowance under Part 3 of that Act but, in the case of long-term incapacity benefit or severe disablement allowance, only where it is paid in respect of the applicant; or
 - (ii) was in receipt of long-term incapacity benefit under Part 2 of the SSCBA when entitlement to that benefit ceased on account of the payment of a retirement

(1) O.S. 2002/2005.

(1) S.I. 2002/2005.

ymddeol o dan y Ddeddf honno, a bod y ceisydd yn y cyfamser wedi parhau â hawlogaeth ddi-dor i—

- (aa) budd-dal treth gyngor (am y cyfnod hyd at 1 Ebrill 2013), neu
- (bb) gostyngiad o dan y cynllun hwn (am y cyfnod sy'n cychwyn ar 1 Ebrill 2013), ac,

os oedd y budd-dal analluogrwydd hirdymor yn daladwy i bartner y ceisydd, bod y partner yn parhau'n aelod o'r teulu; neu

- (iii) wedi bod yn cael lwfans gweini neu lwfans byw i'r anabl ond ataliwyd taliadau o'r budd-dal hwnnw dros dro yn unol â rheoliadau a wnaed o dan adran 113(2) o DCBNC neu lleihawyd hwy fel arall oherwydd bod y ceisydd, neu bartner y ceisydd, wedi mynd yn glaf o fewn ystyr paragraff 55(11)(i) (trin costau gofal plant); neu
- (iv) wedi bod yn cael taliad annibyniaeth bersonol, ond ataliwyd taliadau o'r budd-dal hwnnw dros dro yn unol ag adran 86 o Ddeddf Diwygio Lles 2012 oherwydd bod y ceisydd wedi mynd yn glaf o fewn ystyr paragraff 55(11)(i) (trin costau gofal plant); neu
- (v) wedi bod yn cael TALIA ond ataliwyd taliadau ohono dros dro yn unol ag unrhyw delerau cynllun digolledu'r lluoedd arfog a'r lluoedd wrth gefn sy'n caniatáu ataliad dros dro oherwydd bod person yn cael triniaeth feddygol mewn ysbyty neu sefydliad cyffelyb; neu
- (vi) wedi cael, gan yr Ysgrifennydd Gwladol neu grŵp comisiynu clinigol, gerbyd ar gyfer pobl anabl neu fath arall o gerbyd, a ddarparwyd o dan baragraff 9 o Atodlen 1 i Ddeddf y Gwasanaeth Iechyd Gwladol 2006(1), neu, yn yr Alban, o dan adran 46 o Ddeddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978(2) (darparu gwasanaethau gan Weinidogion yr Alban), neu, yng Nghymru, o dan adran 5 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(3) ac Atodlen 1 i'r Ddeddf honno, neu, yng Ngogledd Iwerddon, wedi cael, gan yr Adran Iechyd, Gwasanaethau Cymdeithasol a Diogelwch y Cyhoedd, gerbyd ar gyfer pobl anabl

pension under that Act and the applicant has since remained continuously entitled to—

- (aa) council tax benefit (in relation to the period to 1 April 2013), and
- (bb) a reduction under this scheme (in relation to the period commencing on 1 April 2013), and

if the long-term incapacity benefit was payable to the applicant's partner, the partner is still a member of the family; or

- (iii) was in receipt of attendance allowance or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 113(2) of the SSCBA or otherwise abated as a consequence of the applicant or the applicant's partner becoming a patient within the meaning of paragraph 55(11)(i) (treatment of child care charges); or
- (iv) was in receipt of personal independence payment, but payment of that benefit has been suspended in accordance with section 86 of the Welfare Reform Act 2012 as a consequence of the applicant becoming a patient within the meaning of paragraph 55(11)(i) (treatment of child care charges);
- (v) was in receipt of AFIP, but payment has been suspended in accordance with any terms of the armed and reserve forces compensation scheme which allow for suspension because a person is undergoing medical treatment in a hospital or similar institution; or
- (vi) is provided with an invalid carriage or other vehicle by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006(1) or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978(2) (provision of services by Scottish Ministers) or, in Wales, under section 5 of, and Schedule 1 to the National Health Service (Wales) Act 2006(3) or, in Northern Ireland, is provided with an invalid carriage or other vehicle by the Department of Health, Social Services and Public Safety under article 30(1) of the Health and Personal

(1) 2006 p.41.
(2) 1978 p.29.
(3) 2006 p.42.

(1) 2006 c.41.
(2) 1978 c.29.
(3) 2006 c.42.

neu fath arall o gerbyd, a ddarparwyd o dan erthygl 30(1) o Orchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972, neu, yn cael taliadau ar ffurf grant, gan yr Ysgrifennydd Gwladol o dan baragraff 10(3) o Atodlen 1 i Ddeddf 2006(1) (darparu cerbydau ar gyfer pobl anabl) neu, yn yr Alban, gan Weinidogion yr Alban o dan adran 46 o Ddeddf 1978; neu

(vii) yn ddall, ac o ganlyniad wedi ei gofrestru mewn cofrestr a gedwir gan awdurdod lleol o dan adran 29 o Ddeddf Cymorth Gwladol 1948(2)(gwasanaethau lles) neu, yn yr Alban, wedi ei ardystio'n ddall ac, o ganlyniad, wedi ei gofrestru mewn cofrestr a gynhelir gan, neu ar ran, cyngor a gyfansoddwyd o dan adran 2 o Ddeddf Llywodraeth Leol (Yr Alban) 1994(3); neu

(b) bod y ceisydd—

(i) yn analluog i weithio, neu'n cael ei drin fel pe bai'n analluog i weithio yn unol â darpariaethau Rhan 12A o DCBNC (analluedd i weithio) a rheoliadau a wnaed o dan y Rhan honno; a

(ii) wedi bod yn analluog i weithio neu'n cael ei drin fel pe bai'n analluog i weithio am gyfnod di-dor o ddim llai nag—

(aa) yn achos ceisydd sy'n derfynol wael yn yr ystyr a roddir i "terminally ill" yn adran 30B(4) o DCBNC, 196 diwrnod;

(bb) mewn unrhyw achos arall, 364 diwrnod.

(2) At ddibenion is-baragraff (1)(a)(vi), yn achos person y peidiwyd â'i gofrestru fel person dall wedi iddo adennill ei olwg, rhaid ei drin, er gwaethaf hynny, fel pe bai'n ddall ac yn bodloni'r amod ychwanegol a bennir yn yr is-baragraff hwnnw am gyfnod o 28 wythnos yn dilyn y dyddiad y peidiwyd â chofrestru'r person felly.

(3) At ddibenion is-baragraff (1)(b), unwaith y bydd y premiwm anabledd yn gymwysadwy i geisydd yn rhinwedd bodloni ohono'r amod ychwanegol a bennir yn y ddarpariaeth honno, os yw'r ceisydd wedyn, am gyfnod o 8 wythnos neu lai, yn peidio â chael ei drin fel pe bai'n analluog i weithio, neu'n peidio â bod yn analluog i weithio, yna, pan â'n analluog i weithio felly drachefn, rhaid ei drin ar unwaith wedyn fel pe bai'n bodloni'r amod yn is-baragraff (1)(b).

Social Services (Northern Ireland) Order 1972, or receives payments by way of grant from the Secretary of State under paragraph 10(3) of Schedule 1 to the Act of 2006(1) (provision of vehicles for disabled persons) or, in Scotland by the Scottish Ministers under section 46 of the Act of 1978; or

(vii) is blind and in consequence registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948(2) (welfare services) or, in Scotland, has been certified as blind and in consequence the applicant is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994(3); or

(b) the applicant—

(i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work); and

(ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than—

(aa) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the SSCBA, 196 days;

(bb) in any other case, 364 days.

(2) For the purposes of sub-paragraph (1)(a)(vi), a person who has ceased to be registered as blind on regaining that person's eyesight is nevertheless to be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which that person ceased to be so registered.

(3) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of the applicant's satisfying the additional condition specified in that provision, if the applicant then ceases, for a period of 8 weeks or less, to be treated as incapable of work or to be incapable of work the applicant is, on again becoming so incapable of work, to immediately thereafter be treated as satisfying the condition in sub-paragraph (1)(b).

(1) Diwygiwyd is-baragraff (3) gan adran 17 o Ddeddf Iechyd a Gofal Cymdeithasol 2012 (p.7).

(2) 1948 p.29.

(3) 1994 p.39.

(1) Sub-paragraph (3) was amended by section 17 of the Health and Social Care Act 2012 (c.7).

(2) 1948 c.29.

(3) 1994 c.39.

(4) At ddibenion is-baragraff (1)(b), unwaith y bydd y premiwm anabledd yn gymwysadwy i geisydd yn rhinwedd bodloni ohono'r amod ychwanegol a bennir yn y ddarpariaeth honno, rhaid parhau i drin y ceisydd fel pe bai'n bodloni'r amod hwnnw am unrhyw gyfnod a dreulir gan y ceisydd yn ymgymryd â chwrs o hyfforddiant a ddarperir o dan adran 2 o Ddeddf Cyflogaeth a Hyfforddiant 1973 neu adran 2 o Ddeddf Menter a Threfi Newydd (Yr Alban) 1990 neu am unrhyw gyfnod pan fo'r ceisydd yn cael lwfans hyfforddi.

(5) At ddibenion is-baragraff (1)(b), pan wahenir unrhyw ddau neu ragor o gyfnodau o analluedd gan doriad o ddim mwy na 56 diwrnod, rhaid trin y cyfnodau hynny fel un cyfnod di-dor.

(6) At ddibenion y paragraff hwn, mae cyfeiriad at berson sydd, neu a oedd, yn cael budd-dal analluogrwydd hirdymor yn cynnwys person sydd neu a oedd yn cael budd-dal analluogrwydd byrdymor ar gyfradd hafal i'r gyfradd hirdymor, yn rhinwedd adran 30B(4)(a) o DCBNC (budd-dal analluogrwydd byrdymor i berson sy'n derfynol wael), neu a fyddai'n cael neu wedi cael budd-dal analluogrwydd byrdymor ar gyfradd o'r fath pe na bai cyfradd y budd-dal analluogrwydd byrdymor sydd eisoes yn daladwy i'r person hwnnw yn hafal i'r gyfradd hirdymor neu'n uwch, neu wedi bod yn hafal i'r gyfradd honno neu'n uwch.

(7) Yn achos ceisydd sy'n fuddiolwr cynllun 'o fudd-dal i waith' (sef person y mae rheoliad 13A(1) o Reoliadau Nawdd Cymdeithasol (Analluedd i Weithio) (Cyffredinol) 1995 (1) yn gymwys iddo ac sydd drachefn yn mynd yn analluog i weithio at ddibenion Rhan 12A o DCBNC) rhaid trin—

- (a) y cyfeiriad at gyfnod o 8 wythnos yn is-baragraff (3); a
- (b) y cyfeiriad at gyfnod o 56 diwrnod yn is-baragraff (5),
- (c) ill dau fel cyfeiriad at gyfnod o 104 wythnos.

(8) Nid oes hawl gan geisydd i gael y premiwm anabledd os oes gan y ceisydd, neu os trinnir ef fel pe bai ganddo, alluedd cyfyngedig ar gyfer gwaith.

Premiwm anabledd difrifol

11.—(1) Yr amod yw fod y ceisydd yn berson ag anabledd difrifol.

(2) At ddibenion is-baragraff (1), rhaid trin ceisydd fel pe bai'n berson ag anabledd difrifol—

- (a) yn achos ceisydd sengl, unig riant neu geisydd a drinnir fel pe na bai ganddo

(1) O.S. 1995/311.

(4) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of the applicant satisfying the additional condition specified in that provision, the applicant is to continue to be treated as satisfying that condition for any period spent by the applicant in undertaking a course of training provided under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which the applicant is in receipt of a training allowance.

(5) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods are to be treated as one continuous period.

(6) For the purposes of this paragraph, a reference to a person who is or was in receipt of long-term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the SSCBA (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short-term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to that person is or was equal to or greater than the long-term rate.

(7) In the case of an applicant who is a welfare to work beneficiary (a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995(1) applies, and who again becomes incapable of work for the purposes of Part 12A of the SSCBA)—

- (a) the reference to a period of 8 weeks in sub-paragraph (3); and
- (b) the reference to a period of 56 days in sub-paragraph (5),
- (c) is in each case to be treated as a reference to a period of 104 weeks.

(8) The applicant is not entitled to the disability premium if the applicant has, or is treated as having, limited capability for work..

Severe disability premium

11.—(1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if—

- (a) in the case of a single applicant, a lone parent or an applicant who is treated as

(1) S.I. 1995/311.

bartner o ganlyniad i is-baragraff (3) os, ac yn unig os—

- (i) yw'r ceisydd yn cael lwfans gweini, neu elfen ofal y lwfans byw i'r anabl ar y gyfradd uchaf neu'r gyfradd ganol a ragnodir yn unol ag adran 72(3) o DCBNC, neu elfen byw dyddiol y taliad annibyniaeth bersonol a delir ar y naill neu'r llall o'r cyfraddau o dan Ran 4 o Ddeddf Diwygio Lles 2012, neu TALIA; a
 - (ii) yn ddarostyngedig i is-baragraff (4), nad oes gan y ceisydd unrhyw annibynyddion sy'n 18 oed neu drosodd ac yn preswyllo fel arfer gyda'r ceisydd, neu y mae'r ceisydd fel arfer y preswyllo gyda hwy; a
 - (iii) nad oes neb sydd â hawl i gael, ac yn cael, lwfans gofalwr o dan adran 70 o DCBNC mewn perthynas â gofalu am y ceisydd;
- (b) yn achos ceisydd sydd â phartner, os ac yn unig os—
- (i) yw'r ceisydd yn cael lwfans gweini, neu elfen ofal y lwfans byw i'r anabl ar y gyfradd uchaf neu'r gyfradd ganol a ragnodir yn unol ag adran 72(3) o DCBNC, neu elfen byw dyddiol y taliad annibyniaeth bersonol a delir ar y naill neu'r llall o'r cyfraddau o dan Ran 4 o Ddeddf Diwygio Lles 2012, neu TALIA; a
 - (ii) partner y ceisydd hefyd yn cael lwfans o'r fath neu, pan fo'r ceisydd yn aelod o briodas amlbriod, pob aelod arall o'r briodas honno'n cael lwfans o'r fath; a
 - (iii) yn ddarostyngedig i is-baragraff (4), nad oes gan y ceisydd unrhyw annibynyddion sy'n 18 oed neu drosodd ac yn preswyllo fel arfer gyda'r ceisydd, neu y mae'r ceisydd fel arfer y preswyllo gyda hwy,

a naill ai mae person sydd â hawl i gael ac yn cael, lwfans gofalwr mewn perthynas â gofalu am un aelod yn unig o'r cwpl, neu, yn achos priodas amlbriod, am un neu ragor ond nid pob un o aelodau'r briodas, neu, yn ôl fel y digwydd, nad oes neb sydd â hawl i gael ac yn cael lwfans o'r fath mewn perthynas â gofalu am y naill na'r llall o aelodau'r cwpl, neu am unrhyw aelod o'r briodas amlbriod.

(3) Pan fo gan geisydd bartner nad yw'n bodloni'r amod yn is-baragraff (2)(b)(ii), a'r partner hwnnw'n ddall neu'n cael ei drin fel pe bai'n ddall o fewn ystyr paragraff 10(1)(a)(vii) a (2) o'r Atodlen hon, rhaid trin y partner hwnnw at ddibenion is-baragraff (2)(b)(ii) fel pe na bai'r person hwnnw'n bartner i'r ceisydd.

having no partner in consequence of sub-paragraph (3)—

- (i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or AFIP; and
 - (ii) subject to sub-paragraph (4), the applicant has no non-dependants aged 18 or over normally residing with the applicant with whom the applicant is normally residing; and
 - (iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA in respect of caring for the applicant;
- (b) in the case of an applicant who has a partner—
- (i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or AFIP; and
 - (ii) the applicant's partner is also in receipt of such an allowance or, if the applicant is a member of a polygamous marriage, all the members of that marriage are in receipt of such an allowance; and
 - (iii) subject to sub-paragraph (4), the applicant has no non-dependants aged 18 or over normally residing with the applicant or with whom the applicant is normally residing,

and either a person is entitled to and in receipt of a carer's allowance in respect of caring for only one member of a couple or, in the case of a polygamous marriage, for one or more but not all the members of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance in respect of caring for either member of a couple or any member of a polygamous marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of paragraph 10(1)(a)(vii) and (2) of this Schedule, that partner is to be treated for the purposes of sub-paragraph (2)(b)(ii) as if that person were not a partner of the applicant.

(4) At ddibenion is-baragraff (2)(a)(ii) a (2)(b)(iii) rhaid peidio â chymryd i ystyriaeth—

(a) person sy'n cael lwfans gweini, neu elfen ofal y lwfans byw i'r anabl ar y gyfradd uchaf neu'r gyfradd ganol a ragnodir yn unol ag adran 72(3) o DCBNC, neu elfen byw dyddiol y taliad annibyniaeth bersonol a delir ar y naill neu'r llall o'r cyfraddau a ragnodir yn unol â Rhan 4 o Ddeddf Diwygio Lles 2012, neu TALIA; neu

(b) person sy'n ddall neu a drinnir fel pe bai'n ddall o fewn ystyr paragraff 10(1)(a)(vii) a (2).

(5) At ddibenion is-baragraff (2)(b) rhaid trin person—

(a) fel pe bai'n cael lwfans gweini, neu elfen ofal y lwfans byw i'r anabl ar y gyfradd uchaf neu'r gyfradd ganol a ragnodir yn unol ag adran 72(3) o DCBNC neu elfen byw dyddiol y taliad annibyniaeth bersonol sy'n daladwy ar y naill gyfradd neu'r llall o dan Ran 4 o Ddeddf Diwygio Lles 2012, neu TALIA, os byddai'r person hwnnw'n yn cael lwfans neu daliad felly, pe na bai wedi bod yn glaf am gyfnod hwy na 28 diwrnod;

(b) fel pe bai hawl ganddo i gael, ac yn cael, lwfans gofalwr, os byddai ganddo hawl i gael ac y byddai'n cael y lwfans hwnnw pe na bai'r person y mae'r person hwnnw'n gofalu amdano yn glaf mewn ysbyty am gyfnod hwy nag 28 diwrnod.

(6) At ddibenion is-baragraff (2)(a)(iii) a (2)(b), rhaid peidio â chymryd i ystyriaeth ddyfarniad o lwfans gofalwr i'r graddau y mae taliad o'r cyfryw ddyfarniad wedi ei ôl-ddyddio ar gyfer cyfnod cyn y dyddiad y talwyd y dyfarniad gyntaf.

(7) Yn is-baragraff (2)(a)(iii) a (b), mae cyfeiriadau at berson sy'n cael lwfans gofalwr yn cynnwys cyfeiriadau at berson a fyddai wedi bod yn cael y lwfans hwnnw oni bai am weithredu cyfyngiad o dan adran 6B neu 7 o Ddeddf Twyll Nawdd Cymdeithasol 2001(1) (darpariaethau colli budd-dal).

Premiwm anabledd uwch

12.—(1) Yn ddarostyngedig i is-baragraff (2), yr amod yw—

(a) bod yr Ysgrifennydd Gwladol wedi penderfynu bod gan y ceisydd, neu fod y ceisydd i'w drin fel pe bai ganddo, alluedd cyfyngedig ar gyfer gweithgaredd perthynol i waith; neu

(4) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of—

(a) a person receiving attendance allowance, or disability living allowance by virtue of the care component at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payable at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or AFIP; or

(b) a person who is blind or is treated as blind within the meaning of paragraph 10(1)(a)(vii) and (2).

(5) For the purposes of sub-paragraph (2)(b) a person is to be treated—

(a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or AFIP, if that person would, but for that person's being a patient for a period exceeding 28 days, be so in receipt;

(b) as being entitled to and in receipt of a carer's allowance if that person would, but for the person for whom that person was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.

(6) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), no account is to be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid.

(7) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of a carer's allowance are to include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001(1) (loss of benefit provisions).

Enhanced disability premium

12.—(1) Subject to sub-paragraph (2), the condition is that—

(a) the Secretary of State has decided that the applicant has, or is to be treated as having, limited capability for work-related activity; or

(1) 2001 p.11.

(1) 2001 c.11.

(b) bod elfen ofal y lwfans byw i'r anabl yn daladwy ar y gyfradd uchaf a ragnodir o dan adran 72(3) o DCBNC, neu byddai'n daladwy pe na bai budd-dal wedi ei atal dros dro yn unol â rheoliadau a wnaed o dan adran 113(2) o DCBNC neu oni bai am leihad oherwydd traddodi i ysbyty mewn perthynas ag—

- (i) y ceisydd; neu
- (ii) aelod o deulu'r ceisydd,

nad yw wedi cyrraedd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth; neu

(c) bod elfen byw dyddiol y taliad annibyniaeth bersonol yn daladwy ar y gyfradd uwch a ragnodir yn unol ag adran 78(2) o Ddeddf Diwygio Lles 2012, neu byddai'n daladwy oni bai am atal budd-dal dros dro yn unol ag adran 86 o Ddeddf Diwygio Lles 2012 mewn perthynas ag—

- (i) y ceisydd; neu
- (ii) aelod o deulu'r ceisydd,

nad yw wedi cyrraedd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth; neu

(d) bod TALIA yn daladwy mewn perthynas ag—

- (i) y ceisydd; neu
- (ii) aelod o deulu'r ceisydd,

nad yw wedi cyrraedd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth.

(2) Os peidir â bodloni'r amod yn is-baragraff (1) oherwydd marwolaeth plentyn neu berson ifanc, yr amod yw fod hawl gan y ceisydd neu bartner i gael budd-dal plant mewn perthynas â'r plentyn neu'r person ifanc o dan adran 145A o DCBNC (hawlogaeth ar ôl marwolaeth plentyn neu berson ifanc cymwys).

(3) Ni fodlonir yr amod os yw'r person y cyfeirir ato yn is-baragraff (1)—

- (a) yn geisydd—
 - (i) nad yw'n aelod o gwpl neu briodas amlbriod; a
 - (ii) yn glaf o fewn ystyr paragraff 55(11)(e) o'r cynllun hwn (trin costau gofal plant) ac wedi bod yn glaf felly am gyfnod hwy na 52 wythnos; neu
- (b) yn aelod o gwpl neu briodas amlbriod y mae pob aelod ohono yn glaf o fewn ystyr paragraff 55(11)(e) ac wedi bod yn glaf felly am gyfnod hwy na 52 wythnos.

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

- (i) the applicant; or
- (ii) a member of the applicant's family,

who has not attained the qualifying age for state pension credit; or

(c) the daily living component of personal independence payment is, or would be payable at the enhanced rate prescribed in accordance with section 78(2) of the Welfare Reform Act 2012, but for a suspension of benefit in accordance with section 86 of the Welfare Reform Act 2012 in respect of—

- (i) the applicant; or
- (ii) a member of the applicant's family,

who has not attained the qualifying age for state pension credit; or

(d) AFIP is payable in respect of—

- (i) the applicant; or
- (ii) a member of the applicant's family,

who has not attained the qualifying age for state pension credit.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that child or young person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

(3) The condition is not satisfied if the person to whom sub-paragraph (1) refers is—

- (a) an applicant who—
 - (i) is not a member of a couple or a polygamous marriage; and
 - (ii) is a patient within the meaning of paragraph 55(11)(e) of this scheme (treatment of child care charges) and has been for a period of more than 52 weeks; or
- (b) a member of a couple or a polygamous marriage where each member is a patient within the meaning of paragraph 55(11)(e) and has been for a period of more than 52 weeks.

Premiwm plentyn anabl

13. Yr amod yw fod plentyn neu berson ifanc, sydd â'r ceisydd neu bartner y ceisydd yn gyfrifol amdano ac sy'n aelod o aelwyd y ceisydd—

- (a) yn cael lwfans byw i'r anabl neu daliad annibyniaeth bersonol, neu nad yw bellach yn cael lwfans neu daliad o'r fath oherwydd bod y plentyn neu'r person ifanc yn glaf, ar yr amod bod y plentyn neu'r person ifanc yn parhau'n aelod o'r teulu; neu
- (b) yn ddall neu'n cael ei drin fel pe bai'n ddall o fewn ystyr paragraff 10 o'r Atodlen hon; neu
- (c) yn blentyn neu berson ifanc y mae adran 145A o DCBNC (hawlogaeth ar ôl marwolaeth plentyn neu berson ifanc cymwys) yn gymwys mewn perthynas ag ef at ddibenion hawlogaeth i fudd-dal plant, ond yn unig am y cyfnod a ragnodir o dan yr adran honno, ac y cynhwyswyd premiwm plentyn anabl mewn perthynas ag ef yn swm cymwysadwy'r ceisydd yn union cyn marwolaeth y plentyn neu'r person ifanc hwnnw, neu peidiwyd â'i gynnwys yn swm cymwysadwy'r ceisydd oherwydd marwolaeth y plentyn neu'r person ifanc hwnnw; neu
- (d) yn cael TALIA.

Premiwm gofalwr

14.—(1) Yr amod yw fod hawl gan y ceisydd neu bartner y ceisydd, neu'r ddau ohonynt, i gael lwfans gofalwr o dan adran 70 o DCBNC.

- (2) Pan fo premiwm gofalwr wedi ei ddyfarnu ond—
 - (a) bu farw'r person y dyfarnwyd y lwfans gofalwr mewn perthynas â'i ofal; neu
 - (b) mewn unrhyw achos arall, bod hawl y person, y dyfarnwyd y premiwm gofalwr mewn perthynas ag ef, i gael lwfans gofalwr yn dod i ben,

rhaid trin yr amod ar gyfer dyfarnu'r premiwm fel pe bai wedi ei fodloni am gyfnod o wyth wythnos o'r dyddiad perthnasol a bennir yn is-baragraff (3).

(3) Y dyddiad perthnasol at ddibenion is-baragraff (2) fydd y canlynol—

- (a) os yw is-baragraff (2)(a) yn gymwys, y dydd Sul sy'n dilyn marwolaeth y person y dyfarnwyd lwfans gofalwr mewn perthynas â'i ofal, neu ddyddiad y farwolaeth os bu farw ar ddydd Sul;

Disabled child premium

13. The condition is that a child or young person for whom the applicant or a partner of the applicant is responsible and who is a member of the applicant's household—

- (a) is in receipt of disability living allowance or personal independence payment or is no longer in receipt of such allowance because the child or young person is a patient, provided that the child or young person continues to be a member of the family; or
- (b) is blind or treated as blind within the meaning of paragraph 10 of this Schedule; or
- (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.; or
- (d) is in receipt of AFIP.

Carer premium

14.—(1) The condition is that the applicant or the applicant's partner is, or both of them are, entitled to a carer's allowance under section 70 of the SSCBA.

- (2) Where a carer premium is awarded but—
 - (a) the person in respect of whose care the carer's allowance has been awarded dies; or
 - (b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled to a carer's allowance,

the condition for the award of the premium is to be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) is—

- (a) where sub-paragraph (2)(a) applies, the Sunday following the death of the person in respect of whose care a carer's allowance has been awarded or the date of death if the death occurred on a Sunday;

- (b) mewn unrhyw achos arall, y dyddiad y daeth i ben hawl y person, yr oedd ganddo hawl i gael lwfans gofalwr, i gael y lwfans hwnnw.

(4) Pan fo person, y bu hawl ganddo i gael lwfans gofalwr, yn gwneud cais am ostyngiad wedi i'w hawl i gael y lwfans hwnnw ddod i ben, rhaid trin yr amod ar gyfer dyfarnu'r premiwm gofalwr fel pe bai wedi ei fodloni am gyfnod o wyth wythnos—

- (a) o'r dyddiad y bu farw'r person y dyfarnwyd y lwfans gofalwr mewn perthynas â'i ofal;
- (b) mewn unrhyw achos arall, o'r dyddiad y daeth i ben hawl y person, yr oedd ganddo hawl i gael lwfans gofalwr, i gael y lwfans hwnnw.

Personau sy'n cael taliadau consesiynol

15. At y diben o benderfynu a oes premiwm yn gymwysadwy o dan baragraffau 10 i 14 o'r Atodlen hon, rhaid trin unrhyw daliad consesiynol, a wnaed i ddigolledu'r person hwnnw oherwydd methiant i dalu unrhyw fudd-dal a grybwyllir yn y paragraffau hynny, fel pe bai'n daliad o'r budd-dal hwnnw.

Personau sy'n cael budd-dal ar gyfer rhywun arall

16. At ddibenion y Rhan hon o'r Atodlen hon, mae person i'w ystyried fel pe bai'n cael unrhyw fudd-dal os, ac yn unig os, telir y budd-dal mewn perthynas â'r person hwnnw ac mae'r person i'w ystyried felly yn ystod, yn unig, pa bynnag gyfnod y telir y budd-dal hwnnw mewn perthynas ag ef.

RHAN 4

Symiau'r premiymau a bennir yn Rhan 3

Premiwm	Swm
17.—(1) Premiwm Anabledd—	
(a) pan fo'r ceisydd yn bodloni'r amod ym mharagraff 9(a) o'r Atodlen hon;	£31.00;
(b) pan fo'r ceisydd yn bodloni'r amod ym mharagraff 9(b) o'r Atodlen hon.	£44.20;
(2) Premiwm Anabledd Difrifol—	
(a) pan fo'r ceisydd yn bodloni'r amod ym mharagraff 11(2)(a) o'r Atodlen hon;	£59.50;

- (b) in any other case, the date on which the person who has been entitled to a carer's allowance ceases to be entitled to that allowance.

(4) Where a person who has been entitled to a carer's allowance ceases to be entitled to that allowance and makes an application for a reduction, the condition for the award of the carer premium is to be treated as satisfied for a period of eight weeks from the date on which—

- (a) the person in respect of whose care the carer's allowance has been awarded dies;
- (b) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.

Persons in receipt of concessionary payments

15. For the purpose of determining whether a premium is applicable to a person under paragraphs 10 to 14 of this Schedule, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs is to be treated as if it were a payment of that benefit.

Persons in receipt of benefit for another

16. For the purposes of this Part of this Schedule, a person is to be regarded as being in receipt of any benefit if, and only if, it is paid in respect of that person and is to be so regarded only for any period in respect of which that benefit is paid.

PART 4

Amounts of Premiums Specified in Part 3

Premium	Amount
17.—(1) Disability Premium—	
(a) where the applicant satisfies the condition in paragraph 9(a) of this Schedule;	£31.00;
(b) where the applicant satisfies the condition in paragraph 9(b) of this Schedule.	£44.20.
(2) Severe Disability Premium—	
(a) where the applicant satisfies the condition in paragraph 11(2)(a) of this Schedule;	£59.50;

(b) pan fo'r ceisydd yn bodloni'r amod ym mharagraff 11(2)(b) o'r Atodlen hon—		(b) where the applicant satisfies the condition in paragraph 11(2)(b) of this Schedule—	
(i) mewn achos pan fo rhywun yn cael lwfans gofalwr neu pan fo'r person hwnnw neu unrhyw bartner yn bodloni'r amod hwnnw yn rhinwedd paragraff 11(5) o'r Atodlen hon yn unig;	£59.50;	(i) in a case where there is someone in receipt of a carer's allowance or if that person or any partner satisfies that condition only by virtue of paragraph 11(5) of this Schedule;	£59.50;
(ii) mewn achos pan nad oes neb yn cael lwfans o'r fath.	£119.00.	(ii) in a case where there is no-one in receipt of such an allowance.	£119.00.
(3) Premiwm Plentyn Anabl.	£57.89 mewn perthynas â phob plentyn neu berson ifanc y mae'r amod a bennir ym mharagraff 13 o Ran 3 o'r Atodlen hon wedi ei fodloni mewn perthynas ag ef.	(3) Disabled Child Premium.	£57.89 in respect of each child or young person in respect of whom the condition specified in paragraph 13 of Part 3 of this Schedule is satisfied.
(4) Premiwm Gofalwr.	£33.30 mewn perthynas â phob person sy'n bodloni'r amod a bennir ym mharagraff 14 o'r Atodlen hon.	(4) Carer Premium.	£33.30 in respect of each person who satisfies the condition specified in paragraph 14 of this Schedule.
(5) Premiwm Anabledd Uwch.	(a) £23.45 mewn perthynas â phob plentyn neu berson ifanc y bodlonir yr amodau a bennir ym mharagraff 12 o'r Atodlen hon mewn perthynas ag ef;	(5) Enhanced Disability Premium.	(a) £23.45 in respect of each child or young person in respect of whom the conditions specified in paragraph 12 of this Schedule are satisfied;
	(b) £15.15 mewn perthynas â phob person—		(b) £15.15 in respect of each person who is neither—
	(i) nad yw yn blentyn neu berson ifanc, ac		(i) a child or young person; nor

	(ii) nad yw'n aelod o gwpl neu briodas amlbriod; y bodlonir yr amodau a bennir ym mharagraff 12 o'r Atodlen hon mewn perthynas ag ef;		(ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 12 of this Schedule are satisfied;
	(c) £21.75 pan fo'r ceisydd yn aelod o gwpl neu briodas amlbriod ac y bodlonir yr amodau a bennir ym mharagraff 12 o'r Atodlen hon mewn perthynas ag aelod o'r cwpl hwnnw neu'r briodas amlbriod honno.		(c) £21.75 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 12 of this Schedule are satisfied in respect of a member of that couple or polygamous marriage.

RHAN 5

Yr elfennau

18. Yn ddarostyngedig i baragraff 20 o'r Atodlen hon, mae hawl gan y ceisydd i gael un, ond nid y ddwy, o'r elfennau ym mharagraff 21 neu 22 o'r Atodlen hon os yw—

- (a) y ceisydd neu bartner y ceisydd wedi gwneud cais am lwfans cyflogaeth a chymorth;
- (b) bod yr Ysgrifennydd Gwladol wedi penderfynu bod gan y ceisydd neu bartner y ceisydd alluedd cyfyngedig ar gyfer gwaith neu alluedd cyfyngedig ar gyfer gweithgaredd perthynol i waith, neu fod y ceisydd neu bartner y ceisydd i'w drin felly; ac
- (c) naill ai bod—
 - (i) y cyfnod asesu, yn yr ystyr o "assessment phase" fel y'i diffinnir yn adran 24(2) o Ddeddf Diwygio Lles 2007(1), wedi dod i ben; neu

PART 5

The components

18. Subject to paragraph 20 of this Schedule the applicant is entitled to one, but not both, of the components in paragraph 21 or 22 of this Schedule if—

- (a) the applicant or the applicant's partner has made a claim for employment and support allowance;
- (b) the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work or limited capability for work-related activity; and
- (c) either—
 - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act 2007(1) has ended; or

- (ii) rheoliad 7 o Reoliadau Lwfans Cyflogaeth a Chymorth 2008(1) (amgylchiadau pan nad yw'r amod bod y cyfnod asesu wedi dod i ben cyn bod hawlogaeth i'r elfen gymorth neu'r elfen gweithgaredd perthynol i waith yn gymwys) yn gymwys.

19. Yn ddarostyngedig i baragraff 20, mae hawl gan y ceisydd i gael un, ond nid y ddwy o'r elfennau ym mharagraffau 21 a 22 os oes hawl gan y ceisydd neu bartner y ceisydd i gael lwfans cyflogaeth a chymorth a droswyd.

20.—(1) Nid oes gan y ceisydd hawlogaeth o dan baragraff 21 neu 22 os oes hawl gan y ceisydd i gael y premiwm anabledd o dan baragraffau 9 a 10 o'r Atodlen hon.

(2) Os yw'r ceisydd a phartner y ceisydd ill dau'n bodloni paragraff 21 neu 22, yr elfen sydd i'w chynnwys yn swm cymwysadwy'r ceisydd yw'r elfen sy'n berthynol i'r ceisydd.

Yr elfen gweithgaredd perthynol i waith

21. Mae hawl gan y ceisydd i gael yr elfen gweithgaredd perthynol i waith os yw'r Ysgrifennydd Gwladol wedi penderfynu bod gan y ceisydd neu bartner y ceisydd alluedd cyfyngedig ar gyfer gwaith, neu ei fod i'w drin felly.

Yr elfen gymorth

22. Mae hawl gan y ceisydd i gael yr elfen gymorth os yw'r Ysgrifennydd Gwladol wedi penderfynu bod gan y ceisydd neu bartner y ceisydd alluedd cyfyngedig ar gyfer gweithgaredd perthynol i waith, neu ei fod i'w drin felly.

RHAN 6

Symiau'r elfennau

23. Swm yr elfen gweithgaredd perthynol i waith yw £28.45.

24. Swm yr elfen gymorth yw £34.80.

- (ii) regulation 7 of the Employment and Support Allowance Regulations 2008(1) (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work related activity component arises does not apply) applies.

19. Subject to paragraph 20, the applicant is entitled to one, but not both, of the components in paragraphs 21 and 22 if the applicant or the applicant's partner is entitled to a converted employment and support allowance.

20.—(1) The applicant has no entitlement under paragraph 21 or 22 if the applicant is entitled to the disability premium under paragraphs 9 and 10 of this Schedule.

(2) Where the applicant and the applicant's partner each satisfy paragraph 21 or 22, the component to be included in the applicant's applicable amount is that which relates to the applicant.

The work-related activity component

21. The applicant is entitled to the work-related activity component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work.

The support component

22. The applicant is entitled to the support component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work-related activity.

PART 6

Amount of Components

23. The amount of the work-related activity component is £28.45.

24. The amount of the support component is £34.80.

(1) O.S. 2008/794.

(1) S.I. 2008/794.

RHAN 7

Ychwanegiad trosiannol

25.—(1) Mae hawl gan y ceisydd i gael yr ychwanegiad trosiannol a gyfrifir yn unol â pharagraff 28 yn yr amgylchiadau canlynol—

- (a) pan fo hawl gan ceisydd neu bartner y ceisydd (“y person perthnasol”) i gael lwfans cyflogaeth a chymorth a droswyd; neu
- (b) pan fo’r person perthnasol yn apelio yn erbyn penderfyniad trosi yn yr ystyr o “conversion decision” fel y’i disgrifir yn rheoliad 5(2)(b) o Reoliadau Lwfans Cyflogaeth a Chymorth (Darpariaethau Trosiannol, Budd-dal Tai a Budd-dal Treth Gyngor) (Dyfarniadau Presennol) (Rhif 2) 2010(1) ac—
 - (i) y’i trinnir fel pe bai ganddo alluedd cyfyngedig ar gyfer gwaith yn rhinwedd rheoliad 30 o Reoliadau Lwfans Cyflogaeth a Chymorth 2008 fel y’i haddaswyd gan Reoliadau Lwfans Cyflogaeth a Chymorth (Darpariaethau Trosiannol, Budd-dal Tai a Budd-dal Treth Gyngor) (Dyfarniadau Presennol) (Rhif 2) 2010; a
 - (ii) nad yw’n cael lwfans cyflogaeth a chymorth ar sail incwm,

oni fyddai swm yr ychwanegiad trosiannol a gyfrifid yn unol â pharagraff 28 o’r Atodlen hon yn ddim.

(2) Bydd hawlogaeth y ceisydd i gael ychwanegiad trosiannol yn rhinwedd y paragraff hwn yn dod i ben pan ddigwydd unrhyw un o’r canlynol—

- (a) gostyngiad yr ychwanegiad trosiannol i ddim yn unol â pharagraff 29 o’r Atodlen hon;
- (b) terfynu’r dyfarniad o ostyngiad i’r ceisydd o dan y cynllun hwn;
- (c) y person perthnasol yn peidio â bodloni gofynion is-baragraff (1)(a) neu (b), yn ôl fel y digwydd;
- (d) y ceisydd neu bartner y ceisydd yn ennill yr hawl i gael lwfans cyflogaeth a chymorth ar sail incwm, lwfans ceisio gwaith ar sail incwm neu gymhorthdal incwm;
- (e) 5 Ebrill 2020.

26.—(1) Mae’r paragraff hwn yn gymwys pan fo—

- (a) hawl y ceisydd i gael ychwanegiad trosiannol yn dod i ben, yn rhinwedd terfynu’r dyfarniad o ostyngiad i’r ceisydd, o dan—

PART 7

Transitional Addition

25.—(1) The applicant is entitled to the transitional addition calculated in accordance with paragraph 28 where the applicant or the applicant’s partner (“the relevant person”)—

- (a) is entitled to a converted employment and support allowance; or
- (b) is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No 2) Regulations 2010(1) and—
 - (i) is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No 2) Regulations 2010; and
 - (ii) is not in receipt of an income-related employment and support allowance,

unless the amount of the transitional addition calculated in accordance with paragraph 28 of this Schedule would be nil.

(2) The applicant’s entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29 of this Schedule;
- (b) the termination of the applicant’s award of reduction under this scheme;
- (c) the relevant person ceasing to meet the requirements of sub-paragraph (1)(a) or (b), as the case may be;
- (d) the applicant or the applicant’s partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker’s allowance or income support;
- (e) 5 April 2020.

26.—(1) This paragraph applies where—

- (a) the applicant’s entitlement to a transitional addition ends, by virtue of the termination of the applicant’s award of reduction, under—

(1) O.S. 2010/1907.

(1) S.I. 2010/1907.

- (i) paragraff 25(2)(b) o'r Atodlen hon;
- (ii) is-baragraff (3)(b) o'r paragraff hwn; neu
- (iii) paragraff 27(3)(b) o'r Atodlen hon;
- (b) o fewn 12 wythnos ar ôl y terfyniad hwnnw ond cyn 5 Ebrill 2020, y ceisydd yn ennill yr hawl drachefn i gael gostyngiad o dan y cynllun hwn;
- (c) yn yr wythnos ostyngiad y daw'r ceisydd yn gymwys drachefn i gael gostyngiad o dan y cynllun hwn, mae hawl gan y person perthnasol i gael lwfans cyflogaeth a chymorth nad yw'n seiliedig ar incwm; a
- (d) ar y dyddiad y mae'r ceisydd yn ennill yr hawl drachefn i gael gostyngiad o dan y cynllun hwn, nid oes hawl gan y ceisydd na phartner y ceisydd i gael lwfans cyflogaeth a chymorth ar sail incwm, lwfans ceisio gwaith ar sail incwm na chymhorthdal incwm.

(2) Pan fo'r paragraff hwn yn gymwys, mae hawl gan y ceisydd, yn effeithiol o'r diwrnod y mae'r ceisydd yn ennill yr hawl drachefn i gael gostyngiad o dan y cynllun hwn, i gael ychwanegiad trosiannol o swm yr ychwanegiad trosiannol y byddid wedi ei ddyfarnu pe na bai hawlogaeth y ceisydd i gael ychwanegiad trosiannol wedi dod i ben (ond gan gymryd i ystyriaeth yr effaith y byddai unrhyw newid yn yr amgylchiadau, a ddigwyddodd yn y cyfamser wedi ei gael yn rhinwedd paragraff 29), oni fyddai swm yr ychwanegiad trosiannol yn ddim.

(3) Bydd hawlogaeth y ceisydd i gael ychwanegiad trosiannol yn rhinwedd y paragraff hwn yn dod i ben pan ddigwydd unrhyw un o'r canlynol—

- (a) gostyngiad yr ychwanegiad trosiannol i ddim yn unol â pharagraff 29 o'r Atodlen hon;
- (b) terfynu'r dyfarniad o ostyngiad i'r ceisydd o dan y cynllun hwn;
- (c) hawl y person perthnasol i gael y lwfans cyflogaeth a chymorth y cyfeirir ato yn is-baragraff (1)(c) yn dod i ben;
- (d) y ceisydd neu bartner y ceisydd yn ennill yr hawl i gael lwfans cyflogaeth a chymorth ar sail incwm, lwfans ceisio gwaith ar sail incwm neu gymhorthdal incwm;
- (e) 5 Ebrill 2020.

27.—(1) Mae'r paragraff hwn yn gymwys pan ddigwydd yr amgylchiadau canlynol—

- (a) hawlogaeth y ceisydd i gael ychwanegiad trosiannol yn dod i ben yn rhinwedd terfynu hawl y person perthnasol i gael lwfans cyflogaeth a chymorth, o dan—

- (i) paragraff 25(2)(b) of this Schedule;
- (ii) sub-paragraph (3)(b) of this paragraph; or
- (iii) paragraph 27(3)(b) of this Schedule;

- (b) within 12 weeks of that termination but before 5 April 2020 the applicant again becomes entitled to a reduction under this scheme;
- (c) in the reduction week in which the applicant again becomes entitled to a reduction under this scheme the relevant person is entitled to an employment and support allowance which is not income-related; and
- (d) at the date on which the applicant again becomes entitled to a reduction under this scheme, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day on which the applicant again becomes entitled to a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29 of this Schedule;
- (b) the termination of the applicant's award of a reduction under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(c);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5 April 2020.

27.—(1) This paragraph applies where—

- (a) the applicant's entitlement to a transitional addition ends, by virtue of the relevant person ceasing to be entitled to an employment and support allowance, under—

- (i) paragraff 25(2)(c) o'r Atodlen hon;
- (ii) paragraff 26(3)(c) o'r Atodlen hon; neu
- (iii) is-baragraff (3)(c) o'r paragraff hwn;
- (b) y person perthnasol, cyn 5 Ebrill 2020, yn ennill yr hawl drachefn i gael lwfans cyflogaeth a chymorth nad yw'n seiliedig ar incwm;
- (c) ar y dyddiad y mae'r person perthnasol yn ennill yr hawl drachefn i gael lwfans cyflogaeth a chymorth nad yw'n seiliedig ar incwm, rheoliad 145(1) o Reoliadau Lwfans Cyflogaeth a Chymorth 2008 yn gymwys i'r person perthnasol; a
- (d) ar y dyddiad y mae'r person perthnasol yn ennill yr hawl drachefn i gael lwfans cyflogaeth a chymorth nad yw'n seiliedig ar incwm, nid oes hawl gan y ceisydd na phartner y ceisydd i gael lwfans cyflogaeth a chymorth ar sail incwm, lwfans ceisio gwaith ar sail incwm na chymhorthdal incwm.

(2) Pan fo'r paragraff hwn yn gymwys, mae hawl gan y ceisydd, yn effeithiol o'r diwrnod y bydd hawlogaeth y person perthnasol i gael lwfans cyflogaeth a chymorth yn cael effaith at ddibenion gostyngiad o dan y cynllun hwn, i gael ychwanegiad trosiannol o swm yr ychwanegiad trosiannol y byddid wedi ei ddyfarnu pe na bai hawlogaeth y ceisydd i gael ychwanegiad trosiannol wedi dod i ben (ond gan gymryd i ystyriaeth yr effaith y byddai unrhyw newid yn yr amgylchiadau, a ddigwyddodd yn y cyfamser wedi ei gael yn rhinwedd paragraff 29 o'r Atodlen hon), oni fyddai swm yr ychwanegiad trosiannol yn ddim.

(3) Bydd hawlogaeth y ceisydd i gael ychwanegiad trosiannol yn rhinwedd y paragraff hwn yn dod i ben pan ddigwydd unrhyw un o'r canlynol—

- (a) gostyngiad yr ychwanegiad trosiannol i ddim yn unol â pharagraff 29 o'r Atodlen hon;
- (b) terfynu'r dyfarniad o ostyngiad i'r ceisydd o dan y cynllun hwn;
- (c) hawl y person perthnasol i gael y lwfans cyflogaeth a chymorth y cyfeirir ato yn is-baragraff (1)(b) yn dod i ben;
- (d) y ceisydd neu bartner y ceisydd yn ennill yr hawl i gael lwfans cyflogaeth a chymorth ar sail incwm, lwfans ceisio gwaith ar sail incwm neu gymhorthdal incwm;
- (e) 5 Ebrill 2020.

- (i) paragraph 25(2)(c) of this Schedule;
- (ii) paragraph 26(3)(c) of this Schedule; or
- (iii) sub-paragraph (3)(c) of this paragraph;
- (b) before 5 April 2020 the relevant person again becomes entitled to an employment and support allowance which is not income-related;
- (c) at the date on which the relevant person again becomes entitled to an employment and support allowance which is not income-related, regulation 145(1) of the Employment and Support Allowance Regulations 2008 applies to the relevant person; and
- (d) at the date on which the relevant person again becomes entitled to an employment and support allowance which is not income-related, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day that the relevant person's entitlement to employment and support allowance takes effect for the purposes of a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29 of this Schedule), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29 of this Schedule;
- (b) the termination of the applicant's award of a reduction under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(b);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5 April 2020.

RHAN 8

Swm yr ychwanegiad trosiannol

28.—(1) Yn ddarostyngedig i baragraff 29 o'r Atodlen hon, swm yr ychwanegiad trosiannol yw'r gwahaniaeth rhwng y Swm A a'r Swm B ($A > B$).

(2) Pan wneir penderfyniad trosi yn yr ystyr o "conversion decision" fel y'i disgrifir yn rheoliad 5(2)(a) o Reoliadau Lwfans Cyflogaeth a Chymorth (Darpariaethau Trosiannol, Budd-dal Tai a Budd-dal Treth Gyngor) (Dyfarniadau Presennol) (Rhif 2) 2010 ("Rheoliadau 2010") mewn perthynas â'r person perthnasol—

- (a) Swm A yw'r swm sylfaenol y byddid wedi ei gymhwyso ar y diwrnod yr oedd y penderfyniad yn cael effaith, pe na bai'r penderfyniad hwnnw wedi ei wneud; a
- (b) Swm B yw'r swm sylfaenol a gymhwyswyd ar y diwrnod hwnnw o ganlyniad i'r penderfyniad.

(3) Pan fo'r person perthnasol yn apelio yn erbyn penderfyniad trosi fel y'i disgrifir yn rheoliad 5(2)(b) o Reoliadau 2010 a thrinnir y person perthnasol fel pe bai ganddo alluedd cyfyngedig ar gyfer gwaith yn rhinwedd rheoliad 30 o Reoliadau Lwfans Cyflogaeth a Chymorth 2008 fel y'i haddaswyd gan Reoliadau 2010—

- (a) Swm A yw'r swm sylfaenol y byddid wedi ei gymhwyso ar y diwrnod y triniwyd y person perthnasol gyntaf fel pe bai ganddo alluedd cyfyngedig ar gyfer gwaith, pe na bai'r person perthnasol wedi ei drin felly; a
- (b) Swm B yw'r swm sylfaenol a gymhwyswyd ar y diwrnod hwnnw o ganlyniad i drin y person perthnasol felly.

(4) Yn y paragraff hwn a pharagraff 29, ystyr "swm sylfaenol" ("*basic amount*") yw swm cyfanredol y cyfryw symiau a allai fod yn gymwys yn achos y ceisydd yn unol â pharagraff 24(1)(a) i (e) neu baragraff 25(2)(a) i (f) o'r cynllun hwn.

29.—(1) Yn ddarostyngedig i is-baragraff (2), os digwydd unrhyw newid yn yr amgylchiadau sy'n arwain at gynnydd yn swm sylfaenol y ceisydd, rhaid lleihau'r ychwanegiad trosiannol a oedd yn gymwys yn union cyn y newid yn yr amgylchiadau, o swm sy'n hafal i'r gwahaniaeth rhwng Swm C a Swm D ($C > D$).

(2) Os yw'r gwahaniaeth rhwng Swm C a Swm D yn fwy na swm yr ychwanegiad trosiannol a oedd yn gymwys yn union cyn y newid yn yr amgylchiadau, rhaid lleihau'r ychwanegiad trosiannol hwnnw i ddim.

(3) Swm C yw'r swm sylfaenol sy'n gymwys o ganlyniad i'r cynnydd.

(4) Swm D yw'r swm sylfaenol a oedd yn gymwys yn union cyn y cynnydd.

PART 8

Amount of Transitional Addition

28.—(1) Subject to paragraph 29 of this Schedule, the amount of the transitional addition is the amount by which Amount A exceeds Amount B.

(2) Where a conversion decision as described in regulation 5(2)(a) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 ("the 2010 Regulations") is made in respect of the relevant person—

- (a) Amount A is the basic amount that would have applied on the day that decision took effect had that decision not been made; and
- (b) Amount B is the basic amount that applied on that day as a result of that decision.

(3) Where the relevant person is appealing a conversion decision as described in regulation 5(2)(b) of the 2010 Regulations and is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the 2010 Regulations—

- (a) Amount A is the basic amount that would have applied on the day the relevant person was first treated as having limited capability for work if the relevant person had not been so treated; and
- (b) Amount B is the basic amount that applied on that day as a result of the relevant person being so treated.

(4) In this paragraph and paragraph 29, "basic amount" ("*swm sylfaenol*") means the aggregate of such amounts as may apply in the applicant's case in accordance with paragraph 24(1)(a) to (e) or paragraph 25(2)(a) to (f) of this scheme.

29.—(1) Subject to sub-paragraph (2), where there is a change of circumstances which leads to an increase in the applicant's basic amount, the transitional addition that applies immediately before the change of circumstances is to be reduced by the amount by which Amount C exceeds Amount D.

(2) If Amount C exceeds Amount D by more than the amount of the transitional addition that applies immediately before the change of circumstances, that transitional addition is to be reduced to nil.

(3) Amount C is the basic amount that applies as a result of the increase.

(4) Amount D is the basic amount that applied immediately before the increase.

ATODLEN 4

Symiau a ddiystyrir o enillion ceisydd: pensiynwyr

1. Pan fo dau neu ragor o baragraffau 2 i 5 o'r Atodlen hon yn gymwys mewn unrhyw achos penodol, mae'r uchafswm cyfanredol sydd i'w ddiystyru yn yr achos hwnnw o dan y paragraffau hynny wedi ei gyfyngu i—

- (a) £25 yn achos unig riant;
- (b) £20 mewn unrhyw achos arall.

2. Mewn achos pan fo'r ceisydd yn unig riant, £25 o'r enillion.

3.—(1) Yn achos enillion o unrhyw gyflogaeth neu gyflogaethau y mae is-baragraff (2) yn gymwys iddi neu'n gymwys iddynt, £20.

(2) Mae'r paragraff hwn yn gymwys i gyflogaeth—

- (a) fel diffoddwr tân rhan-amser a gyflogir gan awdurdod tân ac achub, a gyfansoddiwyd gan gynllun o dan adran 2 o Ddeddf Gwasanaethau Tân ac Achub 2004(1) neu gynllun y mae adran 4 o'r Ddeddf honno yn gymwys iddo;
- (b) fel diffoddwr tân rhan-amser a gyflogir gan Wasanaeth Tân ac Achub yr Alban(2);
- (c) fel gwyliwr y glannau cynorthwyol mewn perthynas â gweithgareddau achub arfordirol;
- (d) fel aelod o griw, neu ar gyfer lansio, bad achub pan fo'r gyflogaeth yn un rhan-amser;
- (e) fel aelod o unrhyw un o'r lluoedd tiriogaethol neu'r lluoedd wrth gefn a ragnodir yn Rhan I o Atodlen 6 i Reoliadau Nawdd Cymdeithasol (Cyfraniadau) 2001(3).

(3) Os—

- (a) diystyrir o dan is-baragraff (1) unrhyw enillion y ceisydd, neu enillion ei bartner os oes partner ganddo, neu enillion y ddau ohonynt; a
- (b) bod gan y naill neu'r llall neu'r ddau ohonynt enillion eraill,
- (c) cymaint o'r enillion eraill hynny na fyddai, o'i gydgrynhoi â'r enillion a ddiystyrwyd o dan yr is-baragraff hwnnw, yn fwy nag £20.

SCHEDULE 4

Sums disregarded from applicant's earnings: pensioners

1. Where two or more of paragraphs 2 to 5 of this Schedule apply in any particular case the overall maximum sum which falls to be disregarded in that case under those paragraphs is restricted to—

- (a) £25 in the case of a lone parent;
- (b) £20 in any other case.

2. In a case where an applicant is a lone parent, £25 of earnings.

3.—(1) In a case of earnings from any employment or employments to which sub-paragraph (2) applies, £20.

(2) This paragraph applies to employment—

- (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(1) or a scheme to which section 4 of that Act applies;
- (b) a part-time fire-fighter employed by the Scottish Fire and Rescue Service(2);
- (c) as an auxiliary coastguard in respect of coast rescue activities;
- (d) in the manning or launching of a lifeboat if the employment is part-time;
- (e) as a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001(3).

(3) If—

- (a) any of the earnings of the applicant or, if the applicant has a partner, the applicant's partner, or both of them, are disregarded under sub-paragraph (1); and
- (b) either of them has, or both of them have, other earnings,
- (c) so much of those other earnings as would not, in the aggregate with the earnings disregarded under that sub-paragraph, exceed £20.

(1) 2004 p.21.

(2) Mae adran 1A o Ddeddf Tân (Yr Alban) 2005 (dsa 5) yn cyfeirio at hyn. Mewnosodwyd adran 1A gan adran 101 o Ddeddf Diwygio'r Heddlu a Tân (Yr Alban) 2012 (dsa 8).

(3) O.S. 2001/1004.

(1) 2004 c.21.

(2) Section 1A of the Fire (Scotland) Act 2005 (asp 5) refers. Section 1A was inserted by section 101 of the Police and Fire Reform (Scotland) Act 2012 (asp 8)..

(3) S.I. 2001/1004.

4.—(1) Os yw'r ceisydd neu, os oes partner gan y ceisydd, ei bartner, yn ofalwr, neu os yw'r ddau ohonynt yn ofalwyr, £20 o unrhyw enillion a geir o gyflogaeth y ceisydd neu'r ddau ohonynt.

(2) Os dyfernir y premiwm gofalwr mewn perthynas â'r ceisydd a hefyd mewn perthynas ag unrhyw bartner y ceisydd, rhaid cydgrynhoi eu henillion at ddibenion y paragraff hwn, ond ni chaiff y swm a ddiystyrir yn unol ag is-paragraff (1) fod yn fwy nag £20 o'r swm cyfanredol.

(3) Yn y paragraff hwn mae'r ceisydd neu bartner y ceisydd yn ofalwr os bodlonir paragraff 14 o Ran 3 o Atodlen 3 (swm cymwysadwy ar gyfer gofalwyr) mewn perthynas â'r ceisydd.

5.—(1) Diystyrir £20 os yw'r ceisydd neu, os oes partner gan y ceisydd, ei bartner—

- (a) yn cael—
- (i) budd-dal analluogrwydd hirdymor o dan adran 30A o DCBNC;
 - (ii) lwfans anabledd difrifol o dan adran 68 o'r Ddeddf honno;
 - (iii) lwfans gweini o dan adran 64 o'r Ddeddf honno;
 - (iv) lwfans byw i'r anabl;
 - (v) taliad annibyniaeth bersonol;
 - (vi) TALIA;
 - (vii) unrhyw atodiad symudedd o dan erthygl 20 o Orchymyn Pensiynau Gwasanaethu'r Llynges, y Fyddin a'r Llu Awyr Etc (Anabledd a Marwolaeth) 2006(1) (gan gynnwys atodiad o'r fath yn rhinwedd unrhyw gynllun neu orchymyn arall) neu o dan erthygl 25A o Gynllun Anafiadau Personol (Sifiliaid) 1983(2);
 - (viii) yr elfen anabledd neu'r elfen anabledd difrifol o'r credyd treth gwaith o dan Atodlen 2 i Reoliadau Credyd Treth Gwaith (Hawlogaeth a'r Gyfradd Uchaf) 2002(3); neu
 - (ix) lwfans cyflogaeth a chymorth prif wedd; neu
- (b) wedi ei gofrestru, neu'r ddau wedi eu cofrestru, yn ddall mewn cofrestr a gedwir gan awdurdod lleol o dan adran 29 o Ddeddf Cymorth Gwladol 1948(4) (gwasanaethau lles) neu, yn yr Alban, wedi ei ardystio'n ddall ac, o ganlyniad, wedi ei gofrestru

4.—(1) If the applicant or, if the applicant has a partner, the applicant's partner is a carer, or both are carers, £20 of any earnings received from the applicant's or their employment.

(2) Where the carer premium is awarded in respect of the applicant and of any partner of the applicant, their earnings are for the purposes of this paragraph to be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) is not to exceed £20 of the aggregated amount.

(3) In this paragraph the applicant or the applicant's partner is a carer if paragraph 14 of Part 3 of Schedule 3 (amount applicable for carers) is satisfied in respect of the applicant.

5.—(1) £20 is disregarded if the applicant or, if the applicant has a partner, the applicant's partner—

- (a) is in receipt of—
- (i) long-term incapacity benefit under section 30A of the SSCBA;
 - (ii) severe disablement allowance under section 68 of the SSCBA;
 - (iii) attendance allowance under section 64 of the SSCBA;
 - (iv) disability living allowance;
 - (v) personal independence payment;
 - (vi) an AFIP;
 - (vii) any mobility supplement under article 20 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006(1) (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983(2);
 - (viii) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(3); or
 - (ix) main phase employment and support allowance; or
- (b) is or are registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948(4) (welfare services) or, in Scotland, has been certified as blind and in consequence is

(1) O.S. 2006/606.
(2) O.S. 1983/686.
(3) O.S. 2002/2005.
(4) 1948 p.29.

(1) S.I. 2006/606.
(2) S.I. 1983/686.
(3) S.I. 2002/2005.
(4) 1948 c.29.

mewn cofrestr a gynhelir gan, neu ar ran, cyngor a gyfansoddwyd o dan adran 2 o Ddeddf Llywodraeth Leol (Yr Alban) 1994(1); neu

- (c) yn analluog i weithio neu'n cael ei drin fel pe bai'n analluog i weithio yn unol â darpariaethau Rhan 12A o DCBNC (analluedd i weithio) a rheoliadau a wnaed o dan y Rhan honno, ac wedi bod yn analluog i weithio neu wedi cael ei drin fel pe bai'n analluog i weithio am gyfnod di-dor o ddim llai nag—
- (i) yn achos ceisydd sy'n derfynol wael yn yr ystyr a roddir i “terminally ill” yn adran 30B(4) o DCBNC, 196 diwrnod;
- (ii) mewn unrhyw achos arall, 364 diwrnod; neu
- (d) yn berson, sydd â galluedd cyfyngedig ar gyfer gwaith, neu'n cael ei drin fel pe bai â galluedd cyfyngedig ar gyfer gwaith yn yr ystyr a roddir i “limited capacity for work” gan adran 1(4) o Ddeddf Diwygio Lles 2007, neu'n berson sydd â galluoigrwydd cyfyngedig ar gyfer gweithgaredd perthynol i waith, neu'n cael ei drin fel pe bai â galluoigrwydd perthynol i waith yn yr ystyr a roddir i “limited capability for work-related activity” gan adran 2(5) o'r Ddeddf honno, a naill ai—
- (i) y cyfnod asesu, yn yr ystyr o “assessment phase” fel y'i diffinnir yn adran 24(2) o Ddeddf Diwygio Lles 2007, wedi dod i ben; neu
- (ii) rheoliad 7 o Reoliadau Lwfans Cyflogaeth a Chymorth 2008(2) (amgylchiadau pan nad yw'r amod bod y cyfnod asesu wedi dod i ben cyn bod hawlogaeth i'r elfen gymorth neu'r elfen gweithgaredd perthynol i waith yn gymwys) yn gymwys.

(2) Yn ddarostyngedig i is-baragraff (3), diystyrir £20 os oedd y ceisydd neu, os oes partner gan y ceisydd, ei bartner, o fewn cyfnod o 8 wythnos a ddaeth i ben ar y diwrnod y cyrhaeddodd y ceisydd neu bartner y ceisydd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth, yn cael dyfarniad o fudd-dal tai neu fudd-dal treth gyngor neu'n cael gostyngiad o dan y cynllun hwn ac—

- (a) os diystyrwyd £20 mewn perthynas ag enillion a gymerwyd i ystyriaeth yn y dyfarniad hwnnw; a
- (b) os yw'r person yr oedd ei enillion yn gymwys ar gyfer y diystyru yn parhau mewn cyflogaeth ar ôl terfynu'r dyfarniad hwnnw.

registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994(1); or

- (c) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work), and has been incapable, or has been treated as incapable, of work for a continuous period of not less than—
- (i) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the SCCBA, 196 days;
- (ii) in any other case, 364 days; or
- (d) has, or is treated as having, limited capacity for work within the meaning of section 1(4) of the Welfare Reform Act 2007 or limited capability for work-related activity within the meaning of section 2(5) of that Act and either—
- (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act 2007 has ended; or
- (ii) regulation 7 of the Employment and Support Allowance Regulations 2008(2) (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arising does not apply) applies.

(2) Subject to sub-paragraph (3), £20 is disregarded if the applicant or, if the applicant has a partner, the applicant's partner has, within a period of 8 weeks ending on the day in respect of which the applicant or the applicant's partner attains the qualifying age for state pension credit, had an award of housing benefit or council tax benefit or been in receipt of a reduction under this scheme and—

- (a) £20 was disregarded in respect of earnings taken into account in that award; and
- (b) the person whose earnings qualified for the disregard continues in employment after the termination of that award.

(1) 1994 p.39.
(2) O.S. 2008/794.

(1) 1994 c.39.
(2) S.I. 2008/794.

(3) Mae'r diystiriad o £20 a bennir yn is-baragraff (2) yn gymwys ar yr amod nad oes toriad, ac eithrio toriad nad yw'n hwy nag 8 wythnos, yn—

- (a) hawlogaeth y person i gael budd-dal tai; neu
- (b) y cyfnod yr oedd yn cael gostyngiad o dan y cynllun hwn; neu
- (c) ei gyflogaeth,

yn dilyn y diwrnod cyntaf y dyfarnwyd mewn perthynas ag ef y budd-dal hwnnw neu'r gostyngiad hwnnw o dan y cynllun hwn.

(4) £20 yw'r uchafswm y caniateir ei ddiystyru o dan y paragraff hwn, hyd yn oed, pan fo gan y ceisydd bartner, os yw'r ceisydd yn ogystal â'i bartner yn bodloni gofynion y paragraff hwn.

6.—(1) Os—

- (a) yw'r ceisydd (neu os yw'r ceisydd yn aelod o gwpl, o leiaf un aelod o'r cwpl hwnnw) yn berson y mae is-baragraff (5) yn gymwys iddo;
- (b) yr Ysgrifennydd Gwladol wedi ei fodloni bod y person yn ymgymryd â gwaith esempt, fel y'i diffinnir yn is-baragraff (6); ac
- (c) nad yw paragraff 32 o'r cynllun hwn (pensiynwyr sy'n cael credyd gwarant) yn gymwys,

y swm a bennir yn is-baragraff (7) ("y swm penodedig").

(2) Pan fo'r paragraff hwn yn gymwys, nid yw paragraffau 1 i 5 ac 8 o'r Atodlen hon yn gymwys; ond mewn unrhyw achos pan fo'r ceisydd yn unig riant, ac os byddai'r swm penodedig yn llai na'r swm a bennir ym mharagraff 2, yna bydd paragraff 2 yn gymwys yn lle'r paragraff hwn.

(3) Er gwaethaf paragraff 30 (cyfrifo incwm a chyfalaf: teulu'r ceisydd a phriodasau amlbriod), os yw is-baragraff (1) yn gymwys i un aelod o gwpl ("A") rhaid peidio â'i gymhwyso i'r aelod arall o'r cwpl hwnnw ("B") ac eithrio i'r graddau y darperir yn is-baragraff (4).

(4) Pan fo enillion A yn llai na'r swm penodedig, rhaid diystyru hefyd gymaint o enillion B, o'i gydgrynhoi ag enillion A, na fyddai'n fwy na'r swm penodedig; ond mae'r swm o enillion B y caniateir ei ddiystyru o dan yr is-baragraff hwn yn gyfyngedig i uchafswm o £20, oni fodlonir yr Ysgrifennydd Gwladol fod B hefyd yn ymgymryd â gwaith esempt.

(5) Mae'r is-baragraff yn gymwys i berson—

- (a) sy'n cael lwfans cyflogaeth a chymorth cyfrannol;
- (b) sy'n cael budd-dal analluogrwydd;

(3) The disregard of £20 specified in sub-paragraph (2) applies so long as there is no break, other than a break which does not exceed 8 weeks, in a person's—

- (a) entitlement to housing benefit; or
- (b) receipt of a reduction under this scheme; or
- (c) employment,

following the first day in respect of which that benefit or reduction under this scheme is awarded.

(4) £20 is the maximum amount which may be disregarded under this paragraph, notwithstanding that, where the applicant has a partner, both the applicant and the applicant's partner satisfy the requirements of this paragraph.

6.—(1) Where—

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 32 of this scheme (pensioners in receipt of guarantee credit) does not apply,

the amount specified in sub-paragraph (7) ("the specified amount").

(2) Where this paragraph applies, paragraphs 1 to 5 and 8 of this Schedule do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 2, then paragraph 2 applies instead of this paragraph.

(3) Notwithstanding paragraph 30 (calculation of income and capital: applicant's family and polygamous marriages), if sub-paragraph (1) applies to one member of a couple ("A") it is not to apply to the other member of that couple ("B") except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there is also to be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is—

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;

- (c) sy'n cael lwfans anabledd difrifol;
- (d) a gredydir ag enillion ar sail analluedd i weithio neu alluedd cyfyngedig ar gyfer gwaith o dan reoliad 8B o Reoliadau Nawdd Cymdeithasol (Credydau) 1975(1).

(6) Ystyr "gwaith esempt" ("*exempt work*") yw gwaith yn yr ystyr a roddir i "exempt work" yn—

- (a) rheoliad 45(2), (3) neu (4) o Reoliadau Lwfans Cyflogaeth a Chymorth 2008; neu (yn ôl fel y digwydd)
- (b) rheoliad 17(2), (3) neu (4) o Reoliadau Nawdd Cymdeithasol (Analluedd i Weithio) (Cyffredinol) 1995(2),

ac wrth benderfynu a yw ceisydd neu aelod o gwpl yn ymgymryd ag unrhyw fath o waith esempt at ddibenion y paragraff hwn, nid yw'n berthnasol a yw'r person hwnnw, neu bartner y person hwnnw, yn ymgymryd â gwaith arall yn ogystal.

(7) Y swm penodedig yw'r swm o arian a grybwyllir o bryd i'w gilydd mewn unrhyw ddarpariaeth y cyfeirir ati yn is-baragraff (6) ac y mae'r gwaith y cyfeirir ato yn is-baragraff (1) yn esempt yn ei rhinwedd (neu, os oes mwy nag un ddarpariaeth berthnasol o'r fath, ac os yw'r darpariaethau hynny'n crybwyll symiau gwahanol o arian, yr uchaf o'r symiau hynny).

7. Unrhyw swm, neu'r gweddill o unrhyw swm, y byddid yn ei ddiystyru o dan baragraff 18 neu 19 o Atodlen 5 pe bai incwm y ceisydd nad yw'n enillion wedi bod yn ddigon i roi hawl i'r ceisydd gael diystyru'r swm llawn o dan y paragraffau hynny.

8. Ac eithrio pan fo'r ceisydd neu bartner y ceisydd yn gymwys am ddiystyriad o £20 o dan ddarpariaethau blaenorol yr Atodlen hon—

- (a) rhaid diystyru £5 os oes enillion gan geisydd nad oes ganddo bartner;
- (b) rhaid diystyru £10 os oes enillion gan geisydd y mae ganddo bartner.

9. Unrhyw enillion, ac eithrio enillion y cyfeirir atynt ym mharagraff 37(9)(b) o'r cynllun hwn (cyfrifo incwm wythnosol: pensynwyr), sy'n deillio o gyflogaeth a ddaeth i ben cyn y diwrnod pan fo'r ceisydd yn bodloni gyntaf yr amodau ar gyfer hawlogaeth i gael gostyngiad o dan y cynllun hwn.

10.—(1) Mewn achos pan fo'r ceisydd yn berson sy'n bodloni un, o leiaf, o'r amodau a bennir yn is-baragraff (2), ac enillion net y ceisydd yn hafal i neu'n fwy na chyfanswm y symiau a bennir yn is-baragraff

- (c) in receipt of severe disablement allowance;
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975(1).

(6) "Exempt work" ("*gwaith esempt*") means work of the kind described in—

- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008; or (as the case may be);
- (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995(2),

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or that person's partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

7. Any amount or the balance of any amount which would fall to be disregarded under paragraph 18 or 19 of Schedule 5 had the applicant's income which does not consist of earnings been sufficient to entitle the applicant to the full amount disregarded thereunder.

8. Except where the applicant or the applicant's partner qualifies for a £20 disregard under the preceding provisions of this Schedule—

- (a) £5 is to be disregarded if an applicant who has no partner has earnings;
- (b) £10 is to be disregarded if an applicant who has a partner has earnings.

9. Any earnings, other than earnings referred to in paragraph 37(9)(b) of this scheme (calculation of weekly income: pensioners), derived from employment which ended before the day in respect of which the applicant first satisfies the conditions for entitlement to a reduction under this scheme.

10.—(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and the applicant's net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of the applicant's earnings

(1) O.S. 1975/556.
(2) O.S. 1995/311.

(1) S.I. 1975/556.
(2) S.I. 1995/41.

(3), rhaid cynyddu o £17.10 y swm o enillion y ceisydd sydd i'w diystyru o dan yr Atodlen hon.

(2) Amodau'r is-baragraff hwn yw—

- (a) bod y ceisydd neu, os oes partner gan y ceisydd, naill ai'r ceisydd neu ei bartner, yn berson y mae rheoliad 20(1)(c) o Reoliadau Credyd Treth Gwaith (Hawlogaeth a'r Gyfradd Uchaf) 2002(1) yn gymwys iddo; neu
- (b) bod—
 - (i) y ceisydd, neu unrhyw bartner y ceisydd, yn 25 oed o leiaf ac yn ymgymryd â gwaith am dâl am ddim llai na 30 awr yr wythnos ar gyfartaledd; neu
 - (ii) os yw'r ceisydd yn aelod o gwpl—
 - (aa) un aelod, o leiaf, o'r cwpl hwnnw'n ymgymryd â gwaith am dâl am ddim llai nag 16 awr yr wythnos ar gyfartaledd; a
 - (bb) swm cymwysadwy'r ceisydd yn cynnwys premiwm teulu o dan baragraff 3 o Atodlen 2; neu
 - (iii) y ceisydd yn unig riant sy'n ymgymryd â gwaith am dâl am ddim llai nag 16 awr yr wythnos ar gyfartaledd; neu
 - (iv) y ceisydd neu, os oes partner gan y ceisydd, un ohonynt, yn ymgymryd â gwaith am dâl am ddim llai nag 16 awr yr wythnos ar gyfartaledd, a pharagraff 5(1) uchod wedi ei fodloni mewn perthynas â'r person hwnnw.

(3) Y canlynol yw'r symiau y cyfeirir atynt yn is-baragraff (1)—

- (a) unrhyw swm a ddiystyriir o dan yr Atodlen hon;
- (b) swm y costau gofal plant a gyfrifir yn ddiadwy o dan baragraff 54(1)(c) o'r cynllun hwn (cyfrifo incwm ar sail wythnosol: pensïynwyr a phersonau nad ydynt yn bensiynwyr); ac
- (c) £17.10.

(4) Mae darpariaethau baragraff 10 (gwaith am dâl) o'r cynllun hwn yn gymwys wrth benderfynu a yw person yn gweithio am ddim llai na 30 awr yr wythnos ar gyfartaledd ai peidio, ond hynny fel pe bai'r cyfeiriad at 16 awr yn is-baragraff (1) o'r paragraff hwnnw yn gyfeiriad at 30 awr.

11. Os gwneir taliad o enillion mewn arian cyfredol ac eithrio sterling, unrhyw gostau bancio neu gomisiwn sy'n daladwy am drosi'r taliad hwnnw i sterling.

that falls to be disregarded under this Schedule is to be increased by £17.10.

(2) The conditions of this sub-paragraph are that—

- (a) the applicant, or if the applicant has a partner, either the applicant or the applicant's partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(1) applies; or
- (b) the applicant—
 - (i) is, or any partner of the applicant's is, aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
 - (ii) if the applicant is a member of a couple—
 - (aa) at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and
 - (bb) the applicant's applicable amount includes a family premium under paragraph 3 of Schedule 2; or
 - (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
 - (iv) is, or if the applicant has a partner, one of them is, engaged in remunerative work for on average not less than 16 hours per week and paragraph 5(1) above is satisfied in respect of that person.

(3) The following are the amounts referred to in sub-paragraph (1)—

- (a) any amount disregarded under this Schedule;
- (b) the amount of child care charges calculated as deductible under paragraph 54(1)(c) of this scheme (calculation of income on a weekly basis: pensioners and persons who are not pensioners); and
- (c) £17.10.

(4) The provisions of paragraph 10 (remunerative work) of this scheme are to apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph was a reference to 30 hours.

11. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting to that payment into Sterling.

ATODLEN 5

Symiau sydd i'w diystyru wrth gyfrifo incwm ac eithrio enillion: pensiynewyr

1. Yn ychwanegol at unrhyw swm sydd i'w ddiystyru yn unol â pharagraffau 2 i 6 o'r Atodlen hon, £10 o unrhyw rai o'r canlynol—

- (a) pensiwn anabledd rhyfel (ac eithrio i'r graddau y mae pensiwn o'r fath i gael ei ddiystyru o dan baragraff 2 neu 3 o'r Atodlen hon);
- (b) pensiwn rhyfel gwraig weddw neu bensiwn rhyfel gŵr gweddw;
- (c) pensiwn sy'n daladwy i berson fel gwraig weddw, gŵr gweddw neu bartner sifil sy'n goroesi, o dan unrhyw bŵer Ei Mawrhydi, ac eithrio o dan ddeddfiad, i wneud darpariaeth ynglŷn â phensiynau ar gyfer neu mewn perthynas â phersonau a wnaed yn anabl neu a fu farw o ganlyniad i wasanaethu fel aelodau o luoedd arfog y Goron;
- (d) taliad incwm gwarantedig ac, os yw swm y taliad hwnnw wedi ei ostwng i lai na £10 gan bensiwn neu daliad sy'n dod o fewn erthygl 39(1)(a) neu (b) o Orchymyn y Lluoedd Arfog a'r Lluoedd Wrth Gefn (Cynllun Digolledu) 2011(1), cymaint o'r pensiwn neu'r taliad hwnnw na fyddai, o'i gydgrynhoi â swm unrhyw daliad incwm gwarantedig a ddiystyrwyd, yn fwy na £10;
- (e) taliad a wnaed i ddigolledu am fethiant i dalu unrhyw bensiwn neu daliad a grybwyllir yn unrhyw un o'r is-baragraffau blaenorol;
- (f) pensiwn a delir gan lywodraeth gwlad y tu allan i Brydain Fawr, sy'n cyfateb i unrhyw un o'r pensiynau neu'r taliadau a grybwyllir yn is-baragraffau (a) i (d) uchod;
- (g) pensiwn a delir i ddioddefwyr erledigaeth gan Sosialwyr Cenedlaethol, o dan unrhyw ddarpariaeth arbennig a wneir gan gyfraith Gweriniaeth Ffederal yr Almaen, neu unrhyw ran ohoni, neu Weriniaeth Awstria.

2. Y cyfan o unrhyw swm a gynhwysir mewn pensiwn y mae paragraff 1 yn ymwneud ag ef mewn perthynas ag—

- (a) angen y ceisydd am weini cyson;

(1) O.S. 2011/517.

SCHEDULE 5

Amounts to be disregarded in the calculation of income other than earnings: pensioners

1. In addition to any sum which falls to be disregarded in accordance with paragraphs 2 to 6 of this Schedule, £10 of any of the following—

- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 2 or 3 of this Schedule);
- (b) a war widow's pension or war widower's pension;
- (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (d) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within Article 39(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(1), so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
- (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
- (g) a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

2. The whole of any amount included in a pension to which paragraph 1 relates in respect of—

- (a) the applicant's need for constant attendance;

(1) S.I. 2011/517.

(b) anabledd eithriadol o ddifrifol y ceisydd.

3. Unrhyw atodiad symudedd o dan erthygl 20 o Orchymyn Pensiynau Gwasanaethu'r Llynges, y Fyddin a'r Llu Awyr Etc (Anabledd a Marwolaeth) 2006(1) (gan gynnwys atodiad o'r fath yn rhinwedd unrhyw gynllun neu orchymyn arall) neu o dan erthygl 25A o Gynllun Anafiadau Personol (Sifiliaid) 1983(2) neu unrhyw daliad y bwriedir iddo ddigolledu am fethiant i dalu atodiad o'r fath.

4. Unrhyw bensiwn atodol o dan erthygl 23(2) o Orchymyn Pensiynau Gwasanaethu'r Llynges, y Fyddin a'r Llu Awyr Etc (Anabledd a Marwolaeth) 2006 (pensiynau i wŷr priod a gwagedd priod sy'n goroesi, a phartneriaid sifil sy'n goroesi) ac unrhyw daliad cyfatebol a wneir gan yr Ysgrifennydd Gwladol dros Amddiffyn i unrhyw berson nad oes hawl ganddo o dan y Gorchymyn hwnnw.

5. Yn achos pensiwn a ddyfarnwyd ar y gyfradd atodol o dan erthygl 27(3) o Gynllun Anafiadau Personol (Sifiliaid) 1983 (pensiynau i wŷr priod a gwagedd priod sy'n goroesi, a phartneriaid sifil sy'n goroesi), y swm a bennir ym mharagraff 1(c) o Atodlen 4 i'r Cynllun hwnnw.

6.—(1) Unrhyw daliad—

- (a) a wneir o dan unrhyw un o'r Offerynnau Dosbarthu i wraig neu ŵr gweddw, neu bartner sifil sy'n goroesi person—
 - (i) yr oedd ei farwolaeth i'w briodoli i wasanaeth mewn swyddogaeth gyfatebol i wasanaeth fel aelod o luoedd arfog y Goron; a
 - (ii) y terfynodd ei wasanaeth yn y cyfryw swyddogaeth cyn 31 Mawrth 1973; a
- (b) sy'n hafal i'r swm a bennir yn erthygl 23(2) o Orchymyn Pensiynau Gwasanaethu'r Llynges, y Fyddin a'r Llu Awyr Etc (Anabledd a Marwolaeth) 2006.

(2) Yn y paragraff hwn ystyr "yr Offerynnau Dosbarthu" ("*the Dispensing Instruments*") yw Gorchymyn y Cyfrin Gyngor ar 19 Rhagfyr 1881, Y Warrant Frenhinol ar 27 Hydref 1884 a'r Gorchymyn gan Ei Fawrhydi ar 14 Ionawr 1922 (dyfarniadau eithriadol o dâl, tâl aneffeithiol a lwfansau).

7. £15 o unrhyw lwfans rhiant gweddw y mae hawl gan y ceisydd i'w gael o dan adran 39A o DCBNC.

8. £15 o unrhyw lwfans mam weddw y mae hawl gan y ceisydd i'w gael o dan adran 37 o DCBNC.

(b) the applicant's exceptionally severe disablement.

3. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006(1) (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983(2) or any payment intended to compensate for the non-payment of such a supplement.

4. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

5. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to surviving spouses and surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

6.—(1) Any payment which is—

- (a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person—
 - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 - (ii) whose service in such capacity terminated before 31 March 1973; and
- (b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph "the Dispensing Instruments" ("*yr Offerynnau Dosbarthu*") means the Order in Council of 19 December 1881, the Royal Warrant of 27 October 1884 and the Order by His Majesty of 14 January 1922 (exceptional grants of pay, non-effective pay and allowances).

7. £15 of any widowed parent's allowance to which the applicant is entitled under section 39A of the SSCBA.

8. £15 of any widowed mother's allowance to which the applicant is entitled under section 37 of the SSCBA.

(1) O.S. 2006/606.
(2) O.S. 1983/686.

(1) S.I. 2006/606.
(2) S.I. 1983/686.

9. Pan fo ceisydd yn meddiannu annedd fel ei gartref, a'r ceisydd, yn yr annedd honno, yn darparu prydau bwyd a llety, swm, mewn perthynas â phob person y darperir llety o'r fath iddo am y cyfan neu unrhyw ran o wythnos, sy'n hafal i—

- (a) pan nad yw swm cyfanredol unrhyw daliadau a wneir mewn perthynas ag unrhyw un wythnos mewn perthynas â llety o'r fath a ddarperir i berson o'r fath yn fwy nag £20, 100 y cant o'r cyfryw daliadau; neu
- (b) pan fo swm cyfanredol unrhyw daliadau o'r fath yn fwy nag £20, £20 a 50 y cant o'r swm dros ben £20.

10. Os yw'r ceisydd—

- (a) yn berchen buddiant rhydd-ddaliad neu lesddaliad unrhyw eiddo neu'n denant unrhyw eiddo; a
- (b) yn meddiannu rhan o'r eiddo hwnnw; ac
- (c) â chytundeb rhyngddo a pherson arall sy'n caniatáu i'r person hwnnw feddiannu rhan arall o'r eiddo hwnnw yn gyfnewid am dalu rhent ac—
 - (i) y swm a delir gan y person hwnnw yn llai nag £20 yr wythnos, y cyfan o'r swm hwnnw; neu
 - (ii) y swm a delir yn £20 neu ragor yr wythnos, £20.

11. Pan fo ceisydd yn cael incwm o dan flwydd-dal a brynwyd gyda benthyciad, sy'n bodloni'r amodau canlynol—

- (a) bod y benthyciad wedi ei wneud fel rhan o gynllun a oedd yn peri bod dim llai na 90 y cant o dderbyniadau'r benthyciad yn cael eu defnyddio gan y person y rhoddwyd y benthyciad iddo i brynu blwydd-dal a ddaw i ben ar ddiwedd oes y person hwnnw, neu ddiwedd oes yr un sy'n goroesi o blith dau neu ragor o bersonau (y cyfeirir atynt yn y paragraff hwn fel "y derbynyddion blwydd-dal") sy'n cynnwys y person y rhoddwyd y benthyciad iddo;
- (b) ar yr adeg y gwnaed y benthyciad, bod y person y'i rhoddwyd iddo neu bob un o'r derbynyddion blwydd-dal, wedi cyrraedd 65 oed;
- (c) bod y benthyciad wedi ei sicrhau ar annedd ym Mhrydain Fawr, a bod y person y gwnaed y benthyciad iddo, neu un o'r derbynyddion blwydd-dal, yn berchen ystâd neu fuddiant yn yr annedd honno;

9. Where the applicant occupies a dwelling as the applicant's home and the applicant provides in that dwelling board and lodging accommodation, an amount, in respect of each person for whom such accommodation is provided for the whole or any part of a week, equal to—

- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent of such payments; or
- (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent of the excess over £20.

10. If the applicant—

- (a) owns the freehold or leasehold interest in any property or is a tenant of any property; and
- (b) occupies a part of that property; and
- (c) has an agreement with another person allowing that person to occupy another part of that property on payment of rent and—
 - (i) the amount paid by that person is less than £20 per week, the whole of that amount; or
 - (ii) the amount paid is £20 or more per week, £20.

11. Where an applicant receives income under an annuity purchased with a loan, which satisfies the following conditions—

- (a) that the loan was made as part of a scheme under which not less than 90 per cent of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with that person's life or with the life of the survivor of two or more persons (in this paragraph referred to as "the annuitants") who include the person to whom the loan was made;
- (b) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65;
- (c) that the loan was secured on a dwelling in Great Britain and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling;

- (d) bod y person y gwnaed y benthyciad iddo, neu un o'r derbynyddion blwydd-dal, yn meddiannu'r annedd y sicrhawyd y benthyciad arni, fel cartref y person neu'r derbynydd blwydd-dal hwnnw ar yr adeg y telir y llog; ac
- (e) y telir y llog sy'n daladwy ar y benthyciad gan y person y rhoddwyd y benthyciad iddo neu gan un o'r derbynyddion blwydd-dal,
- (f) y swm, a gyfrifir ar sail wythnosol, sy'n hafal i—
 - (i) pan fo adran 369 o Ddeddf Trethi Incwm a Chorfforaeth 1988(1) (llog morgais sy'n daladwy ar ôl didynnu treth) yn gymwys i'r taliadau o'r llog ar y benthyciad, y llog sy'n daladwy ar ôl didynnu swm sy'n hafal i'r dreth incwm ar y cyfryw daliadau yn unol â'r ganran gymwysadwy o dreth incwm, o fewn yr ystyr a roddir i "the applicable percentage of income tax" gan adran 369(1A) o'r Ddeddf honno;
 - (ii) mewn unrhyw achos arall, y llog sy'n daladwy ar y benthyciad heb ddidynnu swm o'r fath.

12.—(1) Unrhyw daliad, ac eithrio taliad y mae is-baragraff (2) yn gymwys iddo, a wneir i'r ceisydd gan Ymddiriedolwyr wrth arfer disgresiwn sy'n arferadwy gan yr Ymddiriedolwyr.

(2) Mae'r is-baragraff hwn yn gymwys i daliadau a wneir i'r ceisydd gan Ymddiriedolwyr wrth arfer disgresiwn sy'n arferadwy ganddynt at y diben o—

- (a) caffael bwyd, dillad neu esgidiau cyffredin neu danwydd cartref;
- (b) talu rhent, treth gyngor neu daliadau dŵr y mae'r ceisydd neu bartner y ceisydd yn atebol i'w talu;
- (c) talu costau tai o fath a bennir yn Atodlen 2 i Reoliadau Credyd Pensiwn y Wladwriaeth 2002(2).

(3) Mewn achos y mae is-baragraff (2) yn gymwys iddo, £20 neu—

- (a) os yw'r taliad yn llai nag £20, y cyfan o'r taliad;
- (b) os, yn achos y ceisydd, diystyrir £10 yn unol â pharagraff 1(a) i (g) o'r Atodlen hon, £10 neu'r taliad cyfan os yw'n llai na £10; neu
- (c) os, yn achos y ceisydd, diystyrir £15 o dan baragraff 7 neu baragraff 8 o'r Atodlen hon ac—

- (d) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as that person's or annuitant's home at the time the interest is paid; and
- (e) that the interest payable on the loan is paid by the person to whom the loan was made or by one of the annuitants;
- (f) the amount, calculated on a weekly basis, equal to—
 - (i) where, or insofar as, section 369 of the Income and Corporation Taxes Act 1988(1) (mortgage interest payable under deduction of tax) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the applicable percentage of income tax within the meaning of section 369(1A) of that Act;
 - (ii) in any other case, the interest which is payable on the loan without deduction of such a sum.

12.—(1) Any payment, other than a payment to which sub-paragraph (2) applies, made to the applicant by Trustees in exercise of a discretion exercisable by them.

(2) This sub-paragraph applies to payments made to the applicant by Trustees in exercise of a discretion exercisable by them for the purpose of—

- (a) obtaining food, ordinary clothing or footwear or household fuel;
- (b) the payment of rent, council tax or water charges for which that applicant or the applicant's partner is liable;
- (c) meeting housing costs of a kind specified in Schedule 2 to the State Pension Credit Regulations 2002(2).

(3) In a case to which sub-paragraph (2) applies, £20 or—

- (a) if the payment is less than £20, the whole payment;
- (b) if, in the applicant's case, £10 is disregarded in accordance with paragraph 1(a) to (g) of this Schedule, £10 or the whole payment if it is less than £10; or
- (c) if, in the applicant's case, £15 is disregarded under paragraph 7 or paragraph 8 of this Schedule and—

(1) 1988 p.1.
(2) O.S. 2002/1492.

(1) 1988 c.1.
(2) S.I. 2002/1492.

- (i) nad oes gan y ceisydd ddiystyriad o dan baragraff 1(a) i (g) o'r Atodlen hon, £5 neu'r taliad cyfan os yw'n llai na £5;
- (ii) pan fo gan y ceisydd ddiystyriad o dan baragraff 1(a) i (g) o'r Atodlen hon, dim.

13. Unrhyw gynnydd mewn pensiwn neu lwfans o dan Ran 2 neu 3 o Orchymyn Pensiynau Gwasanaethu'r Llynges, y Fyddin a'r Llu Awyr Etc (Anabledd a Marwolaeth) 2006 a delir mewn perthynas â dibynnydd ac eithrio partner y pensiynwr.

14. Unrhyw daliad y mae llys wedi gorchymyn ei wneud i'r ceisydd neu i bartner y ceisydd o ganlyniad i unrhyw ddamwain, anaf neu glefyd a ddioddefwyd gan y person neu blentyn y person y gwneir y taliad iddo neu mewn perthynas ag ef.

15. Taliadau cyfnodol a wneir i'r ceisydd neu i bartner y ceisydd o dan gytundeb yr ymunwyd ynddo i setlo hawliad a wnaed gan y ceisydd neu, yn ôl fel y digwydd, partner y ceisydd, am anaf a ddioddefwyd gan y ceisydd neu bartner y ceisydd.

16. Unrhyw incwm sy'n daladwy y tu allan i'r Deyrnas Unedig, yn ystod unrhyw gyfnod pan fo gwaharddiad yn erbyn trosglwyddo'r incwm hwnnw i'r Deyrnas Unedig.

17. Unrhyw gostau bancio neu gomisiwn sy'n daladwy am drosi taliadau incwm, a wneir mewn arian cyfredol ac eithrio sterling, i sterling.

18. Pan fo'r ceisydd yn gwneud cyfraniad rhiant mewn perthynas â myfyriwr sy'n dilyn cwrs mewn sefydliad yn y Deyrnas Unedig neu'n ymgymryd ag addysg yn y Deyrnas Unedig, a'r cyfraniad hwnnw wedi ei asesu at y diben o gyfrifo—

- (a) o dan, neu'n unol â rheoliadau a wnaed o dan bwerau a roddir gan adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998(1), dyfarniad y myfyriwr hwnnw;
- (b) o dan reoliadau a wnaed wrth arfer y pwerau a roddir gan adran 49 o Ddeddf Addysg (Yr Alban) 1980(2), bwrsari, ysgoloriaeth neu lwfans arall y myfyriwr hwnnw o dan yr adran honno, neu o dan reoliadau a wnaed wrth arfer y pwerau a roddir gan adran 73 o'r Ddeddf 1980 honno, unrhyw daliad i'r myfyriwr hwnnw o dan yr adran honno; neu
- (c) benthyciad myfyriwr y myfyriwr hwnnw,

swm sy'n hafal i swm wythnosol y cyfraniad rhiant hwnnw, ond hynny mewn perthynas, yn unig, â'r cyfnod yr asesir bod y cyfraniad hwnnw'n daladwy ar ei gyfer.

- (i) the applicant has no disregard under paragraph 1(a) to (g) of this Schedule, £5 or the whole payment if it is less than £5;
- (ii) the applicant has a disregard under paragraph 1(a) to (g) of this Schedule, nil.

13. Any increase in pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 paid in respect of a dependent other than the pensioner's partner.

14. Any payment ordered by a court to be made to the applicant or the applicant's partner in consequence of any accident, injury or disease suffered by the person or a child of the person to or in respect of whom the payments are made.

15. Periodic payments made to the applicant or the applicant's partner under an agreement entered into in settlement of a claim made by the applicant or, as the case may be, the applicant's partner for an injury suffered by the applicant or the applicant's partner.

16. Any income which is payable outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

17. Any banking charges or commission payable in converting to Sterling payments of income made in a currency other than Sterling.

18. Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—

- (a) under, or pursuant to regulations made under powers conferred by section 22 of the Teaching and Higher Education Act 1998(1), that student's award;
- (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980(2), that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
- (c) the student's student loan,

an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

(1) 1998 p.30.
(2) 1980 p.37.

(1) 1998 c.30.
(2) 1980 c.37.

19.—(1) Pan fo'r ceisydd yn rhiant myfyriwr sydd o dan 25 oed, mewn addysg uwch, a naill ai—

- (a) ddim yn cael unrhyw ddyfarniad, grant na benthyciad myfyriwr mewn perthynas â'r addysg honno; neu
- (b) yn cael dyfarniad a roddir yn rhinwedd Deddf Addysgu ac Addysg Uwch 1998, neu reoliadau a wnaed o dan y Ddeddf honno, neu fwrsari, ysgoloriaeth neu lwfans arall o dan adran 49(1) o Ddeddf Addysg (Yr Alban) 1980, neu daliad o dan adran 73 o'r Ddeddf 1980 honno,

a'r ceisydd yn gwneud taliadau i gyfrannu tuag at gynnal y myfyriwr, ac eithrio cyfraniad rhiant sy'n dod o fewn paragraff 18, swm a bennir yn is-baragraff (2) mewn perthynas â phob wythnos yn ystod tymor y myfyriwr.

(2) At ddibenion is-baragraff (1), bydd y swm yn hafal i—

- (a) swm wythnosol y taliadau; neu
- (b) y swm ar gyfer lwfans personol i geisydd sengl sydd o dan 25 oed llai swm wythnosol unrhyw ddyfarniad, bwrsari, ysgoloriaeth, lwfans neu daliad y cyfeirir atynt yn is-baragraff (1)(b),

pa un bynnag yw'r lleiaf.

(3) Yn y paragraff hwn a pharagraff 18 mae cyfeiriad at "benthyciad myfyriwr" ("*student loan*") neu "grant" ("*grant*") yn gyfeiriad at fenthyciad myfyriwr neu grant o fewn ystyr Rhan 10 o'r cynllun hwn.

20.—(1) Pan fo swm cymwysadwy ceisydd yn cynnwys swm ar gyfer premiwm teulu, £15 o unrhyw daliad cynnal, boed o dan orchymyn llys ai peidio, a wnaed neu sy'n ddyladwy, gan briod, partner sifil, cyn-briod neu gyn-bartner sifil y ceisydd, neu briod, partner sifil, cyn-briod neu gyn-bartner sifil partner y ceisydd.

(2) At ddibenion is-baragraff (1), os oes mwy nag un taliad cynnal i'w gymryd i ystyriaeth mewn unrhyw wythnos, rhaid cydgrynhoi'r holl daliadau o'r fath a'u trin fel pe baent yn daliad sengl.

21. Ac eithrio mewn achos sy'n dod o dan baragraff 10 o Atodlen 4, pan fo'r ceisydd yn berson sy'n bodloni unrhyw un o'r amodau yn is-baragraff (2) o'r paragraff hwnnw, unrhyw swm o gredyd treth gwaith i fyny at £17.10.

22. Pan nad yw cyfanswm gwerth unrhyw gyfalaf a bennir yn Rhan 2 (cyfalaf a ddiystyrir at ddibenion penderfynu incwm tybiedig yn unig) o Atodlen 8 yn fwy na £10,000, unrhyw incwm sy'n deillio mewn gwirionedd o gyfalaf o'r fath.

19.—(1) Where the applicant is the parent of a student aged under 25 in advanced education who either—

- (a) is not in receipt of any award, grant or student loan in respect of that education; or
- (b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,

and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 18, an amount specified in sub-paragraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount is to be equal to—

- (a) the weekly amount of the payments; or
- (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),

whichever is less.

(3) In this paragraph and paragraph 18 a reference to a "student loan" ("*benthyciad myfyriwr*") or a "grant" ("*grant*") is a reference to a student loan or a grant within the meaning of Part 10 of this scheme.

20.—(1) Where an applicant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by the applicant's spouse, civil partner, former spouse or former civil partner or the applicant's partner's spouse, civil partner, former spouse, or former civil partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments are to be aggregated and treated as if they were a single payment.

21. Except in a case which falls under paragraph 10 of Schedule 4, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

22. Where the total value of any capital specified in Part 2 (capital disregarded only for the purposes of determining deemed income) of Schedule 8 does not exceed £10,000, any income actually derived from such capital.

23. Ac eithrio yn achos incwm o gyfalaf a bennir yn Rhan 2 o Atodlen 8, unrhyw incwm gwirioneddol o gyfalaf.

24. Os oedd gan y ceisydd, neu'r person a oedd yn bartner y ceisydd ar 31 Mawrth 2003, hawlogaeth ar y dyddiad hwnnw i gael cymhorthdal incwm neu lwfans ceisio gwaith ar sail incwm ond peidiodd yr hawlogaeth honno ar neu cyn 5 Ebrill 2003 yn rhinwedd, yn unig, rheoliad 13 o Reoliadau Budd-dal Tai (Cyffredinol) Diwygio (Rhif 3) 1999(1) fel yr oedd mewn grym ar y dyddiad hwnnw, y cyfan o incwm y ceisydd.

23. Except in the case of income from capital specified in Part 2 of Schedule 8, any actual income from capital.

24. Where the applicant, or the person who was the partner of the applicant on 31 March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5 April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No 3) Regulations 1999(1) as in force at that date, the whole of the applicant's income.

(1) O.S. 1999/2734.

(1) S.I. 1999/2734.

ATODLEN 6

Symiau a ddiystyriwr wrth gyfrifo enillion: personau nad ydynt yn bensiynwyr

1. Yn achos ceisydd a fu'n ymgymryd â gwaith am dâl fel enillydd cyflogedig, neu a fyddai wedi bod yn ymgymryd â gwaith o'r fath pe bai'r gyflogaeth wedi bod ym Mhrydain Fawr—

- (a) os—
 - (i) terfynwyd y gyflogaeth oherwydd ymddeol; ac
 - (ii) ar ôl ymddeol, os oes hawl gan y ceisydd i gael pensiwn ymddeol o dan DCBNC, neu pan nad oes hawl o'r fath ganddo oherwydd, yn unig, methiant y ceisydd i fodloni'r amodau cyfrannu,

unrhyw enillion a dalwyd neu sy'n ddyladwy i'w talu mewn perthynas â'r gyflogaeth honno, ond hynny am gyfnod, yn unig, sy'n cychwyn ar y diwrnod yn union ar ôl y dyddiad y terfynwyd y gyflogaeth;

- (b) os terfynwyd y gyflogaeth rywfodd ac eithrio drwy ymddeol, a hynny cyn diwrnod cyntaf hawlogaeth i ostyngiad o dan y cynllun hwn, unrhyw enillion a dalwyd neu sy'n ddyladwy i'w talu mewn perthynas â'r gyflogaeth honno, ac eithrio—
 - (i) unrhyw daliad o'r natur a ddisgrifir yn—
 - (aa) paragraff 48(1)(e) o'r cynllun hwn, neu
 - (bb) adran 28, 64 neu 68 o Ddeddf Hawliau Cyflogaeth 1996(1) (taliadau gwarantu, atal dros dro o'r gwaith ar seiliau meddygol neu famolaeth); a
 - (ii) unrhyw ddyfarniad, swm neu daliad o'r natur a ddisgrifir yn—
 - (aa) paragraff 48(1)(g) neu (i) o'r cynllun hwn, neu
 - (bb) adran 34 neu 70 o Ddeddf Hawliau Cyflogaeth 1996 (taliadau gwarantu ac atal dros dro o'r gwaith: cwynion wrth dribiwnlysoedd cyflogaeth),

gan gynnwys unrhyw daliad a wneir o ganlyniad i setlo cwyn i dribiwnlys cyflogaeth neu achos llys;

SCHEDULE 6

Sums disregarded in the calculation of earnings: persons who are not pensioners

1. In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—

- (a) where—
 - (i) the employment has been terminated because of retirement; and
 - (ii) on retirement the applicant is entitled to a retirement pension under the SSCBA, or is not so entitled solely because of the applicant's failure to satisfy the contribution conditions,

any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;

- (b) where before the first day of entitlement to a reduction under this scheme the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except—
 - (i) any payment of the nature described in—
 - (aa) paragraph 48(1)(e) of this scheme, or
 - (bb) section 28, 64 or 68 of the Employment Rights Act 1996(1) (guarantee payments, suspension from work on medical or maternity grounds); and
 - (ii) any award, sum or payment of the nature described in—
 - (aa) paragraph 48(1)(g) or (i) of this scheme, or
 - (bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),

including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;

(1) 1996 p.18.

(1) 1996 c.18.

- (c) os, cyn diwrnod cyntaf hawlogaeth i ostyngiad o dan y cynllun hwn—
 - (i) nad yw'r gyflogaeth wedi ei therfynu, ond
 - (ii) nad yw'r ceisydd yn ymgymryd â gwaith am dâl,

unrhyw enillion a dalwyd neu sy'n ddyladwy i'w talu mewn perthynas â'r gyflogaeth honno ac eithrio unrhyw daliad neu gydnabyddiaeth ariannol o'r natur a ddisgrifir ym mharagraff 1(b)(i) neu (ii)(bb) o'r Atodlen hon neu baragraff 48(1)(j) o'r cynllun hwn

2. Yn achos ceisydd a fu, cyn diwrnod cyntaf hawlogaeth i ostyngiad o dan y cynllun hwn—

- (a) yn ymgymryd â chyflogaeth ran-amser fel enillydd cyflogedig, neu, os oedd y gyflogaeth y tu allan i Brydain Fawr, a fyddai wedi bod yn ymgymryd â chyflogaeth o'r fath pe bai'r gyflogaeth wedi bod ym Mhrydain Fawr; a
- (b) wedi peidio ag ymgymryd â'r gyflogaeth honno, boed y gyflogaeth honno wedi ei therfynu ai peidio,
- (c) unrhyw enillion a dalwyd neu sy'n ddyladwy i'w talu mewn perthynas â'r gyflogaeth honno ac eithrio—
 - (i) pan fo'r gyflogaeth wedi ei therfynu, unrhyw daliad o'r natur a ddisgrifir ym mharagraff 1(b)(i) neu (ii)(bb) o'r Atodlen hon;
 - (ii) pan nad yw'r gyflogaeth wedi ei therfynu, unrhyw daliad neu gydnabyddiaeth ariannol o'r natur a ddisgrifir ym mharagraff 1(b)(i) neu (ii)(bb) o'r Atodlen hon neu baragraff 48(1)(j) o'r cynllun hwn.

3. Yn achos ceisydd a fu'n ymgymryd â gwaith am dâl neu gyflogaeth ran-amser fel enillydd hunangyflogedig neu a fyddai wedi bod yn ymgymryd felly pe bai'r gyflogaeth wedi bod ym Mhrydain Fawr, ac sydd wedi peidio â bod yn gyflogedig felly, o'r dyddiad y peidiodd cyflogaeth y ceisydd, unrhyw enillion a oedd yn deillio o'r gyflogaeth honno ac eithrio enillion y mae paragraff 50(3) a (4) o'r cynllun hwn (enillion enillwyr hunangyflogedig: personau nad ydynt yn bensiywyr) yn gymwys iddynt.

4.—(1) Mewn achos y mae'r paragraff hwn yn gymwys iddo ac nad yw paragraff 5 yn gymwys iddo, £20; ond er gwaethaf paragraff 30 o'r cynllun hwn (cyfrifo incwm a chyfalaf teulu'r ceisydd a phriodasau amlbriod), pan fo'r paragraff hwn yn gymwys i geisydd, rhaid peidio â'i gymhwyso i bartner y ceisydd ac eithrio pan fo, ac i'r graddau y bo, enillion y ceisydd sydd i'w diystyru o dan y paragraff hwn yn llai nag £20.

- (c) where before the first day of entitlement to a reduction under this scheme—
 - (i) the employment has not been terminated, but
 - (ii) the applicant is not engaged in remunerative work,

any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) of this Schedule or paragraph 48(1)(j) of this scheme.

2. In the case of an applicant who, before the first day of entitlement to a reduction under this scheme—

- (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
- (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,
- (c) any earnings paid or due to be paid in respect of that employment except—
 - (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb) of this Schedule;
 - (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) of this Schedule or paragraph 48(1)(j) of this scheme.

3. In the case of an applicant who has been engaged in remunerative work or part-time employment as a self employed earner or, had the employment been in Great Britain, would have been so engaged and who has ceased to be so employed, from the date of the cessation of the applicant's employment, any earnings derived from that employment except earnings to which paragraph 50(3) and (4) of this Scheme (earnings of self-employed earners: persons who are not pensioners) apply.

4.—(1) In a case to which this paragraph applies and paragraph 5 does not apply, £20; but notwithstanding paragraph 30 of this scheme (calculation of income and capital: applicant's family and polygamous marriages) if this paragraph applies to an applicant it is not to apply to the applicant's partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.

(2) Mae'r paragraff hwn yn gymwys pan fo swm cymwysadwy'r ceisydd yn cynnwys swm ynglŷn â'r premiwm anabledd, premiwm anabledd difrifol, elfen gweithgaredd perthynol i waith neu elfen gymorth o dan Atodlen 3 (symiau cymwysadwy: personau nad ydynt yn bensiynwyr).

(3) Mae'r paragraff hwn yn gymwys pan fo—

- (a) y ceisydd yn aelod o gwpl a swm cymwysadwy'r ceisydd yn cynnwys swm ynglŷn â'r premiwm anabledd difrifol o dan Atodlen 3; a
- (b) y ceisydd neu bartner y ceisydd heb gyrraedd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth ac o leiaf un ohonynt yn ymgymryd â chyflogaeth.

5. Mewn achos pan fo'r ceisydd yn unig riant, £25.

6.—(1) Mewn achos pan nad yw paragraff 4 na pharagraff 5 o'r Atodlen hon yn gymwys i'r ceisydd ac, yn ddarostyngedig i is-baragraff (2), swm cymwysadwy'r ceisydd yn cynnwys swm ynglŷn â'r premiwm gofalwr o dan Atodlen 3 (symiau cymwysadwy: personau nad ydynt yn bensiynwyr), £20 o enillion y person sydd, neu a oedd ar unrhyw adeg yn ystod yr wyth wythnos flaenorol, yn cael lwfans gofalwr, neu a drinnir yn unol â pharagraff 14(2) o'r Atodlen honno fel pe bai'n cael lwfans gofalwr.

(2) Os dyfernir y premiwm gofalwr mewn perthynas â'r ceisydd ac unrhyw bartner y ceisydd, rhaid cydgrynhoi eu henillion at ddibenion y paragraff hwn, ond ni chaiff y swm sydd i'w ddiystyru yn unol ag is-baragraff (1) fod yn fwy nag £20 o'r swm cyfanredol.

7. Pan ddyfernir y premiwm gofalwr mewn perthynas â cheisydd sy'n aelod o gwpl ac sydd â'i enillion yn llai nag £20, ond nis dyfernir mewn perthynas â'r aelod arall o'r cwpl, ac y mae'r aelod arall hwnnw'n ymgymryd â chyflogaeth—

- (a) a bennir ym mharagraff 9(1) o'r Atodlen hon, cymaint o enillion yr aelod arall hwnnw na fyddai, o'i gydgrynhoi â'r swm a ddiystyrwyd o dan baragraff 6, yn fwy nag £20;
- (b) ac eithrio un bennir ym mharagraff 9(1) o'r Atodlen hon, cymaint o enillion yr aelod arall hwnnw o'r cyfryw gyflogaeth arall hyd at £10, na fyddai, o'i gydgrynhoi â'r swm a ddiystyrwyd o dan baragraff 5, yn fwy nag £20.

8. Mewn achos pan nad yw paragraffau 4, 6, 7 a 9 o'r Atodlen hon yn gymwys i'r ceisydd, a'r ceisydd yn un o gwpl ac aelod o'r cwpl hwnnw mewn cyflogaeth, £10; ond, er gwaethaf paragraff 30 o'r cynllun hwn (cyfrifo incwm a chyfalaf: teulu'r ceisydd a phriodasau amlbriod), pan fo'r paragraff hwn yn gymwys i geisydd,

(2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component under Schedule 3 (applicable amounts: persons who are not pensioners).

(3) This paragraph applies where—

- (a) the applicant is a member of a couple and the applicant's applicable amount includes an amount by way of the disability premium under Schedule 3; and
- (b) the applicant or the applicant's partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.

5. In a case where the applicant is a lone parent, £25.

6.—(1) In a case to which neither paragraph 4 nor paragraph 5 of this Schedule applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium under Schedule 3 (applicable amounts: persons who are not pensioners), £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with paragraph 14(2) of that Schedule as being in receipt of carer's allowance.

(2) Where the carer premium is awarded in respect of the applicant and of any partner of the applicant's, their earnings are for the purposes of this paragraph to be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) is not to exceed £20 of the aggregated amount.

7. Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment—

- (a) specified in paragraph 9(1) of this Schedule, so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 6 of this Schedule exceed £20;
- (b) other than one specified in paragraph 9(1) of this Schedule, so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.

8. In a case where paragraphs 4, 6, 7 and 9 of this Schedule do not apply to the applicant and the applicant is one of a couple and a member of that couple is in employment, £10; but, notwithstanding paragraph 30 of this scheme (calculation of income and capital: applicant's family and polygamous marriages), if this

rhaid peidio â'i gymhwyso i bartner y ceisydd ac eithrio pan fo, ac i'r graddau y bo, enillion y ceisydd sydd i'w diystyru o dan y paragraff hwn yn llai na £10.

9.—(1) Mewn achos pan nad yw paragraffau 4, 6, 7 a 9 o'r Atodlen hon yn gymwys i'r ceisydd, £20 o enillion sy'n deillio o un neu ragor o gyflogaethau fel—

- (a) diffoddwr tân rhan-amser a gyflogir gan awdurdod tân ac achub, a gyfansoddwyd gan gynllun o dan adran 2 o Ddeddf Gwasanaethau Tân ac Achub 2004(1) neu gynllun y mae adran 4 o'r Ddeddf honno yn gymwys iddo;
- (b) diffoddwr tân rhan-amser a gyflogir gan Wasanaeth Tân ac Achub yr Alban(2);
- (c) fel gwyliwr y glannau cynorthwyol mewn perthynas â gweithgareddau achub arfordirol;
- (d) fel aelod o griw, neu ar gyfer lansio, bad achub pan fo'r gyflogaeth yn un rhan-amser;
- (e) fel aelod o unrhyw un o'r lluoedd tiriogaethol neu'r lluoedd wrth gefn a ragnodir yn Rhan I o Atodlen 6 i Reoliadau Nawdd Cymdeithasol (Cyfraniadau) 2001(3);

ond, er gwaethaf paragraff 30 o'r cynllun hwn (cyfrifo incwm a chyfalaf: teulu'r ceisydd a phriodasau amlbriod), pan fo'r paragraff hwn yn gymwys i geisydd, rhaid peidio â'i gymhwyso i bartner y ceisydd ac eithrio i'r graddau a bennir yn is-baragraff (2).

(2) Os yw partner y ceisydd yn ymgymryd â chyflogaeth—

- (a) a bennir yn is-baragraff (1), cymaint o enillion partner y ceisydd, na fyddai, o'i gydgrynhoi â'r swm o enillion y ceisydd a ddiystyrwyd y paragraff hwn, yn fwy nag £20;
- (b) ac eithrio un a bennir yn is-baragraff (1), cymaint o enillion partner y ceisydd o'r gyflogaeth honno hyd at £10, na fyddai, o'i gydgrynhoi â'r swm o enillion y ceisydd a ddiystyrwyd o dan y paragraff hwn, yn fwy nag £20.

10. Pan fo'r ceisydd yn ymgymryd ag un neu ragor o'r cyflogaethau a bennir ym mharagraff 9(1) o'r Atodlen hon, ond enillion y ceisydd yn deillio o'r cyfryw gyflogaethau yn llai nag £20 mewn unrhyw wythnos a'r ceisydd hefyd yn ymgymryd ag unrhyw

(1) 2004 p.21.

(2) Mae adran 1A o Ddeddf Tân (Yr Alban) 2005 (dsa 5) yn cyfeirio at hyn. Mewnosodwyd adran 1A gan adran 101 o Ddeddf Diwygio'r Heddlu a Tân (Yr Alban) 2012 (dsa 8).

(3) O.S. 2001/1004.

paragraph applies to an applicant it is not to apply to the applicant's partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.

9.—(1) In a case where paragraphs 4, 6, 7 and 9 of this Schedule do not apply to the applicant, £20 of earnings derived from one or more employments as—

- (a) a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(1) or a scheme to which section 4 of that Act applies;
- (b) a part-time fire-fighter employed by the Scottish Fire and Rescue Service(2);
- (c) an auxiliary coastguard in respect of coast rescue activities;
- (d) a person engaged part-time in the manning or launching of a life boat;
- (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001(3);

but, notwithstanding paragraph 30 of this scheme (calculation of income and capital: applicant's family and polygamous marriages), if this paragraph applies to an applicant it is not to apply to that applicant's partner except to the extent specified in sub-paragraph (2).

(2) If the applicant's partner is engaged in employment—

- (a) specified in sub-paragraph (1), so much of the applicant's partner's earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;
- (b) other than one specified in sub-paragraph (1), so much of the applicant's partner's earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.

10. Where the applicant is engaged in one or more employments specified in paragraph 9(1) of this Schedule, but the applicant's earnings derived from such employments are less than £20 in any week and the applicant is also engaged in any other employment,

(1) 2004 c.21.

(2) Section 1A of the Fire (Scotland) Act 2005 (asp 5) refers. Section 1A was inserted by section 101 of the Police and Fire Reform (Scotland) Act 2012 (asp 8).

(3) S.I. 2001/1004.

gyflogaeth arall, cymaint o enillion y ceisydd o'r gyflogaeth arall honno hyd at £5 os yw'r ceisydd yn geisydd sengl neu hyd at £10 os oes gan y ceisydd bartner, na fyddai, o'i gydgyrnhoi â'r swm o enillion y ceisydd a ddiystyrwyd o dan baragraff 9, yn fwy nag £20.

11. Mewn achos pan nad oes yr un o'r paragraffau 4 i 10 o'r Atodlen hon yn gymwys, £5.

12.—(1) Os yw—

- (a) y ceisydd (neu os yw'r ceisydd yn aelod o gwpl, o leiaf un aelod o'r cwpl hwnnw) yn berson y mae is-baragraff (5) yn gymwys iddo;
- (b) yr Ysgrifennydd Gwladol wedi ei fodloni bod y person hwnnw'n ymgymryd â gwaith esempt fel y'i diffinnir yn is-baragraff (6); ac
- (c) nad yw paragraff 14 o'r Atodlen hon yn gymwys,

y swm a bennir yn is-baragraff (7) ("y swm penodedig").

(2) Pan fo'r paragraff hwn yn gymwys, nid yw paragraffau 4 i 11 o'r Atodlen hon yn gymwys; ond mewn unrhyw achos pan fo'r ceisydd yn unig riant, ac os byddai'r swm penodedig yn llai na'r swm a bennir ym mharagraff 5 o'r Atodlen hon, yna bydd paragraff 5 yn gymwys yn lle'r paragraff hwn.

(3) Er gwaethaf paragraff 30 o'r cynllun hwn (cyfrifo incwm a chyfalaf aelodau o deulu ceisydd ac o briodas amlbriod), os yw is-baragraff (1) yn gymwys i un aelod o gwpl ("A") rhaid peidio â'i gymhwyso i'r aelod arall ("B") o'r cwpl hwnnw ac eithrio i'r graddau y darperir yn is-baragraff (4).

(4) Pan fo enillion A yn llai na'r swm penodedig, rhaid diystyru hefyd cymaint o enillion B, na fyddai, o'i gydgyrnhoi ag enillion A, yn fwy na'r swm penodedig; ond cyfyngir y swm o enillion B y caniateir ei ddiystyru o dan yr is-baragraff hwn i uchafswm o £20 oni fodlonir yr Ysgrifennydd Gwladol fod B hefyd yn ymgymryd â gwaith esempt.

(5) Mae'r is-baragraff yn gymwys i berson—

- (a) sy'n cael lwfans cyflogaeth a chymorth cyfrannol;
- (b) sy'n cael budd-dal analluogrwydd;
- (c) sy'n cael lwfans anabledd difrifol; neu
- (d) a gredydir ag enillion ar sail analluedd i weithio neu alluedd cyfyngedig ar gyfer gwaith o dan reoliad 8B o Reoliadau Nawdd Cymdeithasol (Credydau)1975.

(6) Ystyr "gwaith esempt" ("*exempt work*") yw gwaith yn yr ystyr a roddir i "exempt work" yn—

so much of the applicant's earnings from that other employment, up to £5 if the applicant is a single applicant, or up to £10 if the applicant has a partner, as would not in aggregate with the amount of the applicant's earnings disregarded under paragraph 9 exceed £20.

11. In a case to which none of the paragraphs 4 to 10 of this Schedule applies, £5.

12.—(1) Where—

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 14 of this Schedule does not apply,

the amount specified in sub-paragraph (7) ("the specified amount").

(2) Where this paragraph applies, paragraphs 4 to 11 of this Schedule do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 5, of this Schedule then paragraph 5 applies instead of this paragraph.

(3) Notwithstanding paragraph 30 of this scheme (calculation of income and capital: applicant's family and polygamous marriages), if sub-paragraph (1) applies to one member of a couple ("A") it is not to apply to the other member of that couple ("B") except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there is also to be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is—

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance; or
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(6) "Exempt work" ("*gwaith esempt*") means work of the kind described in—

- (a) rheoliad 45(2), (3) neu (4) o Reoliadau Lwfans Cyflogaeth a Chymorth 2008(1); neu (yn ôl fel y digwydd)
- (b) rheoliad 17(2), (3) neu (4) o Reoliadau Nawdd Cymdeithasol (Analluedd i Weithio) (Cyffredinol) 1995(2),

ac wrth benderfynu a yw ceisydd neu aelod o gwpl yn ymgymryd ag unrhyw fath o waith esempt at ddibenion y paragraff hwn, nid yw'n berthnasol a yw'r person hwnnw, neu bartner y person hwnnw, yn ymgymryd â gwaith arall yn ogystal.

(7) Y swm penodedig yw'r swm o arian a grybwyllir o bryd i'w gilydd mewn unrhyw ddarpariaeth y cyfeirir ati yn is-baragraff (6) ac y mae'r gwaith y cyfeirir ato yn is-baragraff (1) yn esempt yn ei rhinwedd (neu, os oes mwy nag un ddarpariaeth berthnasol o'r fath, ac os yw'r darpariaethau hynny'n crybwyll symiau gwahanol o arian, yr uchaf o'r symiau hynny).

13. Unrhyw swm, neu'r gweddill o unrhyw swm, y byddid yn ei ddiystyru o dan baragraff 23 neu 24 o Atodlen 7 pe bai incwm y ceisydd nad yw'n enillion wedi bod yn ddigon i roi hawl i'r ceisydd gael diystyru'r swm llawn o dan y paragraffau hynny.

14. Pan fo ceisydd yn cael cymhorthdal incwm, lwfans ceisio gwaith ar sail incwm neu lwfans cyflogaeth a chymorth ar sail incwm, enillion y ceisydd.

15. Unrhyw enillion sy'n deillio o gyflogaeth ac sy'n daladwy mewn gwlad y tu allan i'r Deyrnas Unedig am ba bynnag gyfnod pan fo gwaharddiad yn erbyn trosglwyddo'r enillion hynny i'r Deyrnas Unedig.

16. Os gwneir taliad o enillion mewn arian cyfredol ac eithrio sterling, unrhyw gostau bancio neu gomisiwn sy'n daladwy am drosi'r taliad hwnnw i sterling.

17. Unrhyw enillion plentyn neu berson ifanc.

18.—(1) Mewn achos pan fo'r ceisydd yn berson sy'n bodloni un, o leiaf, o'r amodau a bennir yn is-baragraff (2), ac enillion net y ceisydd yn hafal i neu'n fwy na chyfanswm y symiau a bennir yn is-baragraff (3), rhaid cynyddu o £17.10 y swm o enillion y ceisydd sydd i'w diystyru o dan baragraffau 4 i 12 o'r Atodlen hon.

(2) Amodau'r is-baragraff hwn yw—

- (a) bod y ceisydd neu, os yw'r ceisydd yn aelod o gwpl, naill ai'r ceisydd neu ei bartner, yn berson y mae rheoliad 20(1)(c) o Reoliadau Credyd Treth Gwaith (Hawlogaeth a'r

- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008(1); or (as the case may be)
- (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995(2),

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or that person's partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

13. Any amount or the balance of any amount which would fall to be disregarded under paragraph 23 or 24 of Schedule 7 had the applicant's income which does not consist of earnings been sufficient to entitle the applicant to the full disregard thereunder.

14. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the applicant's earnings.

15. Any earnings derived from employment which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.

16. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.

17. Any earnings of a child or young person.

18.—(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and the applicant's net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of the applicant's earnings that falls to be disregarded under paragraphs 4 to 12 of this Schedule is to be increased by £17.10.

(2) The conditions of this sub-paragraph are that—

- (a) the applicant, or if the applicant is a member of a couple, either the applicant or the applicant's partner, is a person to whom regulation 20(1)(c) of the Working Tax

(1) O.S. 2008/794.
(2) O.S. 1995/311.

(1) S.I. 2008/794.
(2) S.I. 1995/311.

Gyfradd Uchaf) 2002(1) yn gymwys iddo; neu

(b) bod—

(i) y ceisydd, neu os yw'r ceisydd yn aelod o gwpl, un aelod, o leiaf, o'r cwpl hwnnw yn 25 oed o leiaf ac yn ymgymryd â gwaith am dâl am ddim llai na 30 awr yr wythnos ar gyfartaledd; neu

(ii) y ceisydd yn aelod o gwpl, a bod—

(aa) un aelod, o leiaf, o'r cwpl hwnnw'n ymgymryd â gwaith am dâl am ddim llai nag 16 awr yr wythnos ar gyfartaledd; a

(bb) swm cymwysadwy'r ceisydd yn cynnwys premiwm teulu o dan baragraff 4 o Atodlen 3; neu

(iii) y ceisydd yn unig riant sy'n ymgymryd â gwaith am dâl am ddim llai nag 16 awr yr wythnos ar gyfartaledd; neu

(iv) y ceisydd neu, os yw'r ceisydd yn aelod o gwpl, un aelod, o leiaf, o'r cwpl hwnnw'n ymgymryd â gwaith am dâl am ddim llai nag 16 awr yr wythnos ar gyfartaledd, ac—

(aa) swm cymwysadwy'r ceisydd yn cynnwys premiwm anabledd o dan baragraff 9, yr elfen gweithgaredd perthynol i waith o dan baragraff 21 neu'r elfen gymorth o dan baragraff 22 o Atodlen 3 yn eu tro;

(bb) pan fo'r ceisydd yn aelod o gwpl, un aelod, o leiaf, o'r cwpl hwnnw'n bodloni'r amodau cymhwyso am y premiwm anabledd neu'r naill neu'r llall o'r elfennau y cyfeirir atynt ym mharagraff (aa) uchod ac yn ymgymryd â gwaith am dâl am ddim llai nag 16 awr yr wythnos ar gyfartaledd.

(3) Y canlynol yw'r symiau y cyfeirir atynt yn is-baragraff (1)—

(a) y swm a gyfrifwyd y ceir ei ddiystyru o enillion y ceisydd o dan baragraffau 4 i 12 o'r Atodlen hon;

(b) y swm a gyfrifwyd o gostau gofal plant sy'n ddiynadwy o dan baragraff 54(1)(c) o'r cynllun hwn (cyfrifo incwm ar sail wythnosol: personau nad ydynt yn bensiynwyr); ac

Credit (Entitlement and Maximum Rate) Regulations 2002(1) applies; or

(b) the applicant—

(i) is, or if the applicant is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or

(ii) is a member of a couple and—

(aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and

(bb) the applicant's applicable amount includes a family premium under paragraph 4 of Schedule 3; or

(iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or

(iv) is, or if the applicant is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and—

(aa) the applicant's applicable amount includes a disability premium under paragraph 9, the work related activity component under paragraph 21 or the support component under paragraph 22 of Schedule 3 respectively;

(bb) where the applicant is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in paragraph (aa) above and is engaged in remunerative work for on average not less than 16 hours per week.

(3) The following are the amounts referred to in sub-paragraph (1)—

(a) the amount calculated as disregardable from the applicant's earnings under paragraphs 4 to 12 of this Schedule;

(b) the amount of child care charges calculated as deductible under paragraph 54(1)(c) of this scheme (calculation of income on a weekly basis: persons who are not pensioners); and

(c) £17.10.

(4) Bydd darpariaethau paragraff 10 (gwaith am dâl) o'r cynllun hwn yn gymwys wrth benderfynu a yw person yn gweithio dim llai na 30 awr yr wythnos ar gyfartaledd ai peidio, ond hynny fel pe bai'r cyfeiriad at 16 awr yn is-baragraff (1) o'r paragraff hwnnw yn gyfeiriad at 30 awr.

19. Yn yr Atodlen hon, ystyr "cyflogaeth ran-amser" ("*part-time employment*") yw cyflogaeth y mae'r person yn ymgymryd â hi am lai nag 16 awr yr wythnos ar gyfartaledd.

ATODLEN 7

Symiau a ddiystyrir wrth gyfrifo incwm ac eithrio enillion: personau nad ydynt yn bensiynwyr

1. Unrhyw daliad a wnaed i'r ceisydd mewn perthynas ag unrhyw ofal plant, teithio neu dreuliau eraill a dynnwyd, neu sydd i'w tynnu, gan y ceisydd mewn perthynas â chyfranogiad y ceisydd yn y Cynllun Peilot Gweithio Am Eich Budd-dal

2. Unrhyw daliad a wnaed i'r ceisydd mewn perthynas ag unrhyw deithio neu dreuliau eraill a dynnwyd, neu sydd i'w tynnu, gan y ceisydd mewn perthynas â chyfranogiad y ceisydd yn y Cynllun Gweithgaredd Gwaith Gorfodol.

3. Unrhyw daliad a wnaed i'r ceisydd mewn perthynas ag unrhyw deithio neu dreuliau eraill a dynnwyd, neu sydd i'w tynnu, gan y ceisydd mewn perthynas â chyfranogiad y ceisydd yn y Cynllun Cyflogaeth, Sgiliau a Menter.

4. Unrhyw swm a dalwyd ar gyfer treth ar incwm sydd i'w gymryd i ystyriaeth o dan baragraff 51 o'r cynllun hwn (cyfrifo incwm ac eithrio enillion: personau nad ydynt yn bensiynwyr).

5. Unrhyw daliad mewn perthynas ag unrhyw dreuliau a dynnwyd neu sydd i'w tynnu gan geisydd—

(a) a gymerwyd ymlaen gan sefydliad elusennol neu wirfoddol, neu

(b) sy'n wirfoddolwr,

os nad yw'r ceisydd hwnnw, fel arall, yn cael unrhyw gydnabyddiaeth ariannol neu elw o'r gyflogaeth ac na thrinnir ef fel pe bai'n meddu unrhyw enillion o dan baragraff 53(5) o'r cynllun hwn (incwm tybiannol: personau nad ydynt yn bensiynwyr).

6. Unrhyw daliad mewn perthynas â threuliau sy'n deillio o gyfranogiad y ceisydd mewn grŵp defnyddwyr gwasanaeth.

(c) £17.10.

(4) The provisions of paragraph 10 (remunerative work) of this scheme are to apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph were a reference to 30 hours.

19. In this Schedule "part-time employment" ("*cyflogaeth ran-amser*") means employment in which the person is engaged on average for less than 16 hours a week.

SCHEDULE 7

Sums disregarded in the calculation of income other than earnings: persons who are not pensioners

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by the applicant in respect of the applicant's participation in the Work for Your Benefit Pilot Scheme.

2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by the applicant in respect of the applicant's participation in the Mandatory Work Activity Scheme.

3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by the applicant in respect of the applicant's participation in the Employment, Skills and Enterprise Scheme.

4. Any amount paid by way of tax on income which is to be taken into account under paragraph 51 of this scheme (calculation of income other than earnings: persons who are not pensioners).

5. Any payment in respect of any expenses incurred or to be incurred by an applicant who is—

(a) engaged by a charitable or voluntary organisation, or

(b) a volunteer,

if that applicant otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under paragraph 53(5) of this scheme (notional income: persons who are not pensioners).

6. Any payment in respect of expenses arising out of the applicant's participation in a service user group.

7. Yn achos cyflogaeth fel enillydd cyflogedig, unrhyw daliad mewn perthynas â threuliau a dynnir yn gyfan gwbl, yn unig ac yn angenrheidiol wrth gyflawni dyletswyddau'r gyflogaeth.

8. Pan fo ceisydd yn cael cymhorthdal incwm, lwfans ceisio gwaith ar sail incwm neu lwfans cyflogaeth a chymorth ar sail incwm, y cyfan o incwm y ceisydd.

9. Pan fo'r ceisydd yn aelod o gwpl cyd-hawliad yn yr ystyr o "joint-claim couple" at ddibenion Deddf Ceiswyr Gwaith 1995 a phartner y ceisydd yn cael lwfans ceisio gwaith ar sail incwm, y cyfan o incwm y ceisydd.

10. Os oedd gan y ceisydd, neu'r person a oedd yn bartner y ceisydd ar 31 Mawrth 2003, yr hawl, ar y dyddiad hwnnw i gael cymhorthdal incwm neu lwfans ceisio gwaith ar sail incwm, ond daeth yr hawl honno i ben ar neu cyn 5 Ebrill 2003 yn rhinwedd, yn unig, rheoliad 13 o Reoliadau Budd-dal Tai (Cyffredinol) Diwygio (Rhif 3) 1999(1) fel yr oedd mewn grym ar y dyddiad hwnnw, y cyfan o incwm y ceisydd.

11. Unrhyw lwfans byw i'r anabl, taliad annibyniaeth bersonol, neu TALIA.

12. Unrhyw daliad consesiynol a wnaed i ddigolledu oherwydd methiant i dalu—

- (a) unrhyw daliad a bennir ym mharagraff 11 neu 14 o'r Atodlen hon;
- (b) cymhorthdal incwm;
- (c) lwfans ceisio gwaith ar sail incwm;
- (d) lwfans cyflogaeth a chymorth ar sail incwm.

13. Unrhyw atodiad symudedd o dan erthygl 20 o Orchymyn Pensiynau Gwasanaethu'r Llynges, y Fyddin a'r Llu Awyr Etc (Anabledd a Marwolaeth) 2006(2) (gan gynnwys atodiad o'r fath yn rhinwedd unrhyw gynllun neu orchymyn arall) neu o dan erthygl 25A o Gynllun Anafiadau Personol (Sifiliaid) 1983(3) neu unrhyw daliad y bwriedir iddo ddigolledu am fethiant i dalu atodiad o'r fath.

14. Unrhyw lwfans gweini.

15. Unrhyw daliad a wneir i'r ceisydd fel deiliad Croes Fictoria neu Groes Siôr neu unrhyw daliad cyfatebol.

16.—(1) Unrhyw daliad—

- (a) ar ffurf lwfans cynhaliath addysg a wnaed yn unol ag—

7. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.

8. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of the applicant's income.

9. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and the applicant's partner is on an income-based jobseeker's allowance, the whole of the applicant's income.

10. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5 April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No 3) Regulations 1999(1) as in force at that date, the whole of the applicant's income.

11. Any disability living allowance, personal independence payment or AFIP.

12. Any concessionary payment made to compensate for the non-payment of—

- (a) any payment specified in paragraph 11 or 14 of this Schedule;
- (b) income support;
- (c) an income-based jobseeker's allowance;
- (d) an income-related employment and support allowance.

13. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006(2) (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983(3) or any payment intended to compensate for the non-payment of such a supplement.

14. Any attendance allowance.

15. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.

16.—(1) Any payment—

- (a) by way of an education maintenance allowance made pursuant to—

(1) O.S. 1999/2734.

(2) O.S. 2006/606.

(3) O.S. 1983/686.

(1) S.I. 1999/2734.

(2) S.I. 2006/206.

(3) S.I. 1983/686.

- (i) rheoliadau a wnaed o dan adran 518 o Ddeddf Addysg 1996(1) (talw treuliau ysgol; dyfarnu ysgoloriaethau etc);
 - (ii) rheoliadau a wnaed o dan adran 49 neu 73(f) o Ddeddf Addysg (Yr Alban) 1980(2) (pŵer i gynorthwyo personau i fanteisio ar gyfleusterau addysg);
 - (iii) cyfarwyddiadau a wnaed o dan adran 73ZA o Ddeddf Addysg (Yr Alban) 1980 ac a dalwyd o dan adran 12(2)(c) o Ddeddf Addysg Bellach ac Uwch (Yr Alban) 1992(3);
- (b) cyfatebol i lwfans cynhaliaeth addysg o'r fath, a wnaed yn unol ag—
- (i) adran 14 neu adran 181 o Ddeddf Addysg 2002(4) (pŵer yr Ysgrifennydd Gwladol a Gweinidogion Cymru i roi cymorth ariannol at ddibenion sy'n ymwneud ag addysg neu ofal plant, a lwfansau mewn perthynas ag addysg neu hyfforddiant); neu
 - (ii) rheoliadau a wnaed o dan adran 181 o'r Ddeddf honno; neu
- (c) yng Nghymru a Lloegr, ar ffurf cymorth ariannol a wnaed yn unol ag adran 14 o Ddeddf Addysg 2002.

(2) Unrhyw daliad, ac eithrio taliad y mae is-baragraff (1) yn gymwys iddo, a wnaed yn unol ag—

- (a) rheoliadau a wnaed o dan adran 518 o Ddeddf Addysg 1996;
- (b) rheoliadau a wnaed o dan adran 49 o Ddeddf Addysg (Yr Alban) 1980; neu
- (c) cyfarwyddiadau a wnaed o dan adran 73ZA o Ddeddf Addysg (Yr Alban) 1980 ac a dalwyd o dan adran 12(2)(c) o Ddeddf Addysg Bellach ac Uwch (Yr Alban) 1992,

mewn perthynas â chwrs astudio a ddilynir gan blentyn neu berson ifanc neu berson sy'n cael lwfans cynhaliaeth addysg neu daliad arall a wnaed yn unol ag unrhyw ddarpariaeth a bennir yn is-baragraff (1).

17. Unrhyw daliad a wnaed i'r ceisydd ar ffurf ad-daliad o dan reoliad 11(2) o Reoliadau Addysg (Benthyciadau Myfyriwr Athrawon) (Ad-dalu etc) 2003(5).

- (i) regulations made under section 518 of the Education Act 1996(1) (payment of school expenses; grant of scholarships etc);
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980(2) (power to assist persons to take advantage of educational facilities);
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992(3);
- (b) corresponding to such an education maintenance allowance, made pursuant to—
- (i) section 14 or section 181 of the Education Act 2002(4) (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
- (c) in England and Wales, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—

- (a) regulations made under section 518 of the Education Act 1996;
- (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
- (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

17. Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc) Regulations 2003(5).

(1) 1996 p.56.
 (2) 1980 p.44.
 (3) 1992 p.37.
 (4) 2002 p.32.
 (5) O.S. 2003/1917.

(1) 1996 c.56.
 (2) 1980 c.44.
 (3) 1992 c.37.
 (4) 2002 c.32.
 (5) S.I. 2003/1917.

18.—(1) Unrhyw daliad a wnaed yn unol ag adran 2 o Ddeddf Cyflogaeth a Hyfforddiant 1973⁽¹⁾ neu adran 2 o Ddeddf Menter a Threfi Newydd (Yr Alban) 1990⁽²⁾ ac eithrio—

- (a) taliad a wnaed yn lle cymhorthdal incwm, lwfans ceisio gwaith, budd-dal analluogrwydd, lwfans anabledd difrifol neu lwfans cyflogaeth a chymorth;
- (b) taliad o lwfans y cyfeirir ato yn adran 2(3) o Ddeddf Cyflogaeth a Hyfforddiant 1973 neu adran 2(5) o Ddeddf Menter a Threfi Newydd (Yr Alban) 1990; neu
- (c) taliad y bwriedir iddo ddiwallu'r costau byw sy'n ymwneud ag un neu ragor o'r eitemau a bennir yn is-baragraff (2) tra bo ceisydd yn ymgymryd ag addysg, hyfforddiant neu gynllun arall i helpu'r ceisydd i wella'i ragolygon cyflogaeth, oni bai bod y taliad yn Fenthyciad Datblygu Gyrfa a delir yn unol ag adran 2 o Ddeddf 1973, a chyfnod yr addysg neu hyfforddiant neu'r cynllun, a gynorthwyir gan y benthyciad hwnnw, wedi ei gwblhau.

(2) Yr eitemau a bennir yn yr is-baragraff hwn at ddibenion is-baragraff (1)(c) yw bwyd, dillad neu esgidiau cyffredin, tanwydd cartref neu rent y ceisydd neu, os yw'r ceisydd yn aelod o deulu, unrhyw aelod arall o deulu'r ceisydd, neu unrhyw dreth gyngor neu daliadau dŵr y mae'r ceisydd neu'r aelod hwnnw'n atebol amdanynt.

19.—(1) Yn ddarostyngedig i is-baragraff (2), unrhyw rai o'r taliadau canlynol—

- (a) taliad elusennol;
- (b) taliad gwirfoddol;
- (c) taliad (nad yw'n dod o fewn paragraff (a) neu (b) uchod) a wnaed gan ymddiriedolaeth y mae ei chyllid yn deillio o daliad a wnaed o ganlyniad i unrhyw niwed personol i'r ceisydd;
- (d) taliad o dan flwydd-dal a brynwyd—
 - (i) yn unol ag unrhyw gytundeb neu orchymyn llys i wneud taliadau i'r ceisydd; neu
 - (ii) o gyllid sy'n deillio o daliad a wnaed, o ganlyniad i unrhyw niwed personol i'r ceisydd; neu
- (e) taliad (nad yw'n dod o fewn paragraffau (a) i (d)) a dderbyniwyd yn rhinwedd unrhyw gytundeb neu orchymyn llys i wneud

18.—(1) Any payment made pursuant to section 2 of the Employment and Training Act 1973⁽¹⁾ or section 2 of the Enterprise and New Towns (Scotland) Act 1990⁽²⁾ except a payment—

- (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
- (b) of an allowance referred to in section 2(3) of the Employment and Training Act 1973 or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
- (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help the applicant enhance the applicant's employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.

(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of the applicant's family, or any council tax or water charges for which that applicant or member is liable.

19.—(1) Subject to sub-paragraph (2), any of the following payments—

- (a) a charitable payment;
- (b) a voluntary payment;
- (c) a payment (not falling within paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
- (d) a payment under an annuity purchased—
 - (i) pursuant to any agreement or court order to make payments to the applicant; or
 - (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or
- (e) a payment (not falling within paragraphs (a) to (d)) received by virtue of any agreement or court order to make payments to the

(1) 1973 p.50.
(2) 1990 p.35.

(1) 1973 c.50.
(2) 1990 c.35.

taliadau i'r ceisydd o ganlyniad i unrhyw niwed personol i'r ceisydd.

(2) Rhaid peidio â chymhwyso is-baragraff (1) i daliad a wnaed neu sy'n ddyladwy gan—

- (a) cyn-bartner y ceisydd, neu gyn-bartner unrhyw aelod o deulu'r ceisydd; neu
- (b) rhiant plentyn neu berson ifanc pan fo'r plentyn neu'r person ifanc hwnnw'n aelod o deulu'r ceisydd.

20. Yn ddarostyngedig i baragraff 40 o'r Atodlen hon, £10 o unrhyw rai o'r canlynol, sef—

- (a) pensiwn anabled rhyfel (ac eithrio i'r graddau y diystyrir pensiwn o'r fath o dan baragraff 13 neu 14 o'r Atodlen hon);
- (b) pensiwn rhyfel gwraig weddw neu bensiwn rhyfel gŵr gweddw;
- (c) pensiwn sy'n daladwy i berson sy'n wraig neu ŵr gweddw neu'n bartner sifil sy'n goroesi, o dan unrhyw un o bwerau Ei Mawrhydi ac eithrio deddfiad, i wneud darpariaeth ynghylch pensiynau ar gyfer neu mewn perthynas â phersonau a wnaed yn anabl neu a fu farw o ganlyniad i wasanaethu fel aelodau o luoedd arfog y Goron;
- (d) taliad incwm gwarantedig, ac os yw swm y taliad hwnnw wedi ei leihau islaw £10 gan bensiwn neu daliad sy'n dod o fewn erthygl 39(1)(a) neu (b) o Orchymyn y Lluoedd Arfog a'r Lluoedd Wrth Gefn (Cynllun Digolledu) 2011(1), cymaint o'r pensiwn neu'r taliad hwnnw na fyddai, o'i gydgrynhoi â swm unrhyw daliad incwm gwarantedig a ddiystyrir, yn fwy na £10;
- (e) taliad a wnaed i ddigolledu am fethiant i dalu unrhyw bensiwn neu daliad o'r fath a grybwyllir yn unrhyw un o'r is-baragraffau blaenorol;
- (f) pensiwn a delir gan lywodraeth gwlad y tu allan i Brydain Fawr, sy'n cyfateb i unrhyw un o'r pensiynau neu'r taliadau a grybwyllir yn is-baragraffau (a) i (d) uchod;
- (g) pensiwn a delir i ddiodefwrwr erledigaeth gan Sosialwyr Cenedlaethol, o dan unrhyw ddarpariaeth arbennig a wneir gan gyfraith Gweriniaeth Ffederal yr Almaen, neu unrhyw ran ohoni, neu Weriniaeth Awstria.

applicant in consequence of any personal injury to the applicant.

(2) Sub-paragraph (1) is not to apply to a payment which is made or due to be made by—

- (a) a former partner of the applicant, or a former partner of any member of the applicant's family; or
- (b) the parent of a child or young person where that child or young person is a member of the applicant's family.

20. Subject to paragraph 40 of this Schedule, £10 of any of the following, namely—

- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 13 or 14 of this Schedule);
- (b) a war widow's pension or war widower's pension;
- (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (d) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 39(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(1), so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
- (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in paragraphs (a) to (d) above;
- (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

21. Yn ddarostyngedig i baragraff 40 o'r Atodlen hon, £15 o unrhyw—

- (a) lwfans mam weddw a dalwyd yn unol ag adran 37 o DCBNC;
- (b) lwfans rhiant gweddw a dalwyd yn unol ag adran 39A o DCBNC.

22.—(1) Unrhyw incwm sy'n deillio o gyfalaf y mae gan y ceisydd fuddiant llesiannol ynddo, neu y trinnir y ceisydd o dan baragraff 67 o'r cynllun hwn) cyfalaf a ddelir ar y cyd) fel pe bai ganddo fuddiant llesiannol ynddo ond, yn ddarostyngedig i is-baragraff (2), nid incwm sy'n deillio o gyfalaf a ddiystyrir o dan baragraffau 4, 5, 7, 11, 17 neu 30 i 33 o Atodlen 9.

(2) Incwm sy'n deillio o gyfalaf a ddiystyrir o dan baragraffau 5, 7 neu 30 i 33 o Atodlen 9 ond i'r graddau canlynol yn unig—

- (a) unrhyw ad-daliadau morgais a wneir mewn perthynas â'r annedd neu'r fangre yn y cyfnod pan oedd yr incwm hwnnw'n cronni; neu
- (b) unrhyw dreth gyngor neu daliadau dŵr y mae'r ceisydd yn atebol i'w thalu neu i'w talu mewn perthynas â'r annedd neu'r fangre ac a delir yn y cyfnod pan oedd yr incwm hwnnw'n cronni.

(3) Mae'r diffiniad o "taliadau dŵr" ("*water charges*") ym mharagraff 2(1) o'r cynllun hwn yn gymwys i is-baragraff (2) o'r paragraff hwn gan hepgor y geiriau "i'r graddau y mae a wnelo'r cyfryw daliadau â'r annedd a feddiennir gan berson fel ei gartref".

23. Pan fo'r ceisydd yn gwneud cyfraniad rhiant mewn perthynas â myfyriwr sy'n dilyn cwrs mewn sefydliad yn y Deyrnas Unedig neu'n ymgymryd ag addysg yn y Deyrnas Unedig, a'r cyfraniad hwnnw wedi ei asesu at y diben o gyfrifo—

- (a) o dan, neu'n unol â rheoliadau a wnaed o dan bwerau a roddir gan adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998(1), dyfarniad y myfyriwr hwnnw;
- (b) o dan reoliadau a wnaed wrth arfer y pwerau a roddir gan adran 49 o Ddeddf Addysg (Yr Alban) 1980(2), bwrsari, ysgoloriaeth neu lwfans arall y myfyriwr hwnnw o dan yr adran honno, neu o dan reoliadau a wnaed wrth arfer y pwerau a roddir gan adran 73 o'r Ddeddf 1980 honno, unrhyw daliad i'r myfyriwr hwnnw o dan yr adran honno; neu
- (c) benthyciad myfyriwr y myfyriwr hwnnw,

(1) 1998 p.30.
(2) 1980 p.44.

21. Subject to paragraph 40 of this Schedule, £15 of any—

- (a) widowed mother's allowance paid pursuant to section 37 of the SSCBA;
- (b) widowed parent's allowance paid pursuant to section 39A of the SSCBA.

22.—(1) Any income derived from capital to which the applicant is or is treated under paragraph 67 of this scheme (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17 or 30 to 33 of Schedule 9.

(2) Income derived from capital disregarded under paragraphs 5, 7 or 30 to 33 of Schedule 9 but only to the extent of—

- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
- (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.

(3) The definition of "water charges" ("*taliadau dŵr*") in paragraph 2(1) of this scheme applies to sub-paragraph (2) of this paragraph with the omission of the words "in so far as such charges are in respect of the dwelling which a person occupies as that person's home".

23. Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—

- (a) under, or pursuant to regulations made under powers conferred by section 22 of the Teaching and Higher Education Act 1998(1), that student's award;
- (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980(2), that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
- (c) the student's student loan,

(1) 1988 c.30.
(2) 1980 c.44.

swm sy'n hafal i swm wythnosol y cyfraniad rhiant hwnnw, ond hynny mewn perthynas, yn unig, â'r cyfnod yr asesir bod y cyfraniad hwnnw'n daladwy ar ei gyfer.

24.—(1) Pan fo'r ceisydd yn rhiant myfyriwr sydd o dan 25 oed, mewn addysg uwch, a naill ai—

- (a) ddim yn cael unrhyw ddyfarniad, grant na benthyciad myfyriwr mewn perthynas â'r addysg honno; neu
- (b) yn cael dyfarniad a roddir yn rhinwedd Deddf Addysgu ac Addysg Uwch 1998, neu reoliadau a wnaed o dan y Ddeddf honno, neu fwsari, ysgoloriaeth neu lwfans arall o dan adran 49(1) o Ddeddf Addysg (Yr Alban) 1980, neu daliad o dan adran 73 o'r Ddeddf 1980 honno,

a'r ceisydd yn gwneud taliadau i gyfrannu tuag at gynnal y myfyriwr, ac eithrio cyfraniad rhiant sy'n dod o fewn paragraff 23 o'r Atodlen hon, swm a bennir yn is-baragraff (2) mewn perthynas â phob wythnos yn ystod tymor y myfyriwr.

(2) At ddibenion is-baragraff (1), bydd y swm yn hafal i—

- (a) swm wythnosol y taliadau; neu
- (b) y swm ar gyfer lwfans personol i geisydd sengl sydd o dan 25 oed llai swm wythnosol unrhyw ddyfarniad, bwsari, ysgoloriaeth, lwfans neu daliad y cyfeirir ato yn is-baragraff (1)(b),

pa un bynnag yw'r lleiaf.

25. Unrhyw daliad a wneir i'r ceisydd gan blentyn neu berson ifanc neu annibynnydd.

26. Pan fo ceisydd yn meddiannu annedd fel ei gartref a pherson arall, nad yw'n berson y cyfeirir ato ym mharagraff 25 neu 27 o'r Atodlen hon, hefyd yn meddiannu'r annedd honno, a rhwymedigaeth dan gontract i wneud taliadau i'r ceisydd mewn perthynas â meddiannu'r annedd gan y person arall hwnnw neu aelod o'i deulu—

- (a) pan fo swm cyfanredol unrhyw daliadau a wneir mewn perthynas ag unrhyw un wythnos mewn perthynas â meddiannu'r annedd, neu gan y person hwnnw ac aelod o'i deulu, yn llai nag £20, y cyfan o'r swm hwnnw; neu
- (b) pan fo swm cyfanredol unrhyw daliadau o'r fath yn £20 neu'n fwy yr wythnos, £20.

27. Pan fo ceisydd yn meddiannu annedd fel ei gartref, a'r ceisydd, yn yr annedd honno, yn darparu prydau bwyd a llety, swm, mewn perthynas â phob person y darperir llety o'r fath iddo am y cyfan neu unrhyw ran o wythnos, sy'n hafal i—

an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

24.—(1) Where the applicant is the parent of a student aged under 25 in advanced education who either—

- (a) is not in receipt of any award, grant or student loan in respect of that education; or
- (b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,

and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 23 of this Schedule, an amount specified in sub-paragraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount is to be equal to—

- (a) the weekly amount of the payments; or
- (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),

whichever is less.

25. Any payment made to the applicant by a child or young person or a non-dependant.

26. Where the applicant occupies a dwelling as the applicant's home and the dwelling is also occupied by a person other than one to whom paragraph 25 or 27 of this Schedule refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of that person's family—

- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of that person's family, or by that person and a member of that person's family, is less than £20, the whole of that amount; or
- (b) where the aggregate of any such payments is £20 or more per week, £20.

27. Where the applicant occupies a dwelling as the applicant's home and the applicant provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to—

- (a) pan nad yw swm cyfanredol unrhyw daliadau a wneir mewn perthynas ag un wythnos mewn perthynas â llety o'r fath a ddarperir i berson o'r fath yn fwy nag £20, 100 y cant o'r cyfryw daliadau;
- (b) pan fo swm cyfanredol unrhyw daliadau o'r fath yn fwy nag £20, £20 a 50 y cant o'r swm dros ben £20.

28.—(1) Unrhyw incwm mewn nwyddau neu wasanaethau, ac eithrio pan fo paragraff 51(10)(b) o'r cynllun hwn (darpariaeth o gymorth o dan adran 95 neu 98 o Ddeddf Mewnffudo a Lloches 1999(1) wrth gyfrifo incwm ac eithrio enillion) yn gymwys.

(2) Nid yw'r cyfeiriad yn is-baragraff (1) at "incwm mewn nwyddau neu wasanaethau" ("*income in kind*") yn cynnwys taliad a wneir i drydydd parti mewn perthynas â'r ceisydd ac a ddefnyddir gan y trydydd parti i ddarparu buddion ar ffurf nwyddau neu wasanaethau i'r ceisydd.

29. Unrhyw incwm sy'n daladwy mewn gwlad y tu allan i'r Deyrnas Unedig, yn ystod y cyfryw gyfnod pan fo gwaharddiad yn erbyn trosglwyddo'r incwm hwnnw i'r Deyrnas Unedig.

30.—(1) Unrhyw daliad a wneir i'r ceisydd mewn perthynas â pherson sy'n aelod o deulu'r ceisydd—

- (a) yn unol â rheoliadau o dan adran 2(6)(b), 3 neu 4 o Ddeddf Mabwysiadu a Phlant 2002(2) neu'n unol â chynllun a gymeradwywyd gan Weinidogion yr Alban o dan adran 71 o Ddeddf Mabwysiadu a Phlant (Yr Alban) 2007(3) (cynlluniau lwfansau mabwysiadu);
- (b) sy'n daliad a wneir gan awdurdod lleol yn unol ag adran 15(1) o Ddeddf Plant 1989(4) a paragraff 15 o Atodlen 1 i'r Ddeddf honno (cyfraniad awdurdod lleol at gynhaliath plentyn pan fo'r plentyn yn byw gyda pherson o ganlyniad i orchymyn preswyllo) neu, yn yr Alban, adran 50 o Ddeddf Plant 1975(5) (taliadau tuag at gynhaliath plant);
- (c) sy'n daliad a wneir gan awdurdod, fel y'i diffinnir yn Erthygl 2 o Orchymyn Plant (Gogledd Iwerddon) 1995(6), yn unol ag Erthygl 15 o'r Gorchymyn hwnnw a paragraff 17 o Atodlen 1 iddo (cyfraniad gan awdurdod at gynhaliath plentyn);

- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent of such payments;
- (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent of the excess over £20.

28.—(1) Any income in kind, except where paragraph 51(10)(b) of this scheme (provision of support under section 95 or 98 of the Immigration and Asylum Act 1999(1) in the calculation of income other than earnings) applies.

(2) The reference in sub-paragraph (1) to "income in kind" ("*incwm mewn nwyddau neu wasanaethau*") does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.

29. Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

30.—(1) Any payment made to the applicant in respect of a person who is a member of the applicant's family—

- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002(2) or in accordance with a scheme approved by the Scottish Ministers under section 71 of the Adoption and Children (Scotland) Act 2007(3) (adoption allowances schemes);
- (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989(4) (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975(5) (payments towards maintenance of children);
- (c) which is a payment made by an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995(6), in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);

(1) 1999 p.33.
 (2) 2002 p.38.
 (3) 2007 dsa 4.
 (4) 1989 p.41.
 (5) 1975 p.72.
 (6) O.S. 1995/755.

(1) 1999 c.33.
 (2) 2002 c.38.
 (3) 2007 asp 4.
 (4) 1989 c.41.
 (5) 1975 c.72.
 (6) S.I. 1995/755.

- (d) yn unol â rheoliadau a wnaed yn unol ag adran 14F o Ddeddf Plant 1989 (gwasanaethau cymorth gwarcheidiaeth arbennig).

(2) Unrhyw daliad, ac eithrio taliad y mae is-baragraff (1)(a) yn gymwys iddo, a wnaed i'r ceisydd yn unol â rheoliadau o dan adran 2(6)(b), 3 neu 4 o Ddeddf Mabwysiadu a Phlant 2002.

31. Unrhyw daliad a wnaed i geisydd y lletywyd person gydag ef yn rhinwedd trefniadau a wnaed—

- (a) gan awdurdod lleol o dan—
- (i) adran 23(2)(a) o Ddeddf Plant 1989 (darparu llety a chynhaliaeth ar gyfer plentyn sy'n derbyn gofal ganddynt),
 - (ii) adran 26 o Ddeddf Plant (Yr Alban) 1995(1) (dull o ddarparu llety i blentyn sy'n derbyn gofal gan awdurdod lleol), neu
 - (iii) rheoliad 33 neu 51 o Reoliadau Plant sy'n Derbyn Gofal (Yr Alban) 2009(2) (lwfansau maethu a gofal gan berthynas a lwfansau maethu); neu
- (b) gan sefydliad gwirfoddol o dan adran 59(1)(a) o Ddeddf Plant 1989 (darparu llety gan sefydliadau gwirfoddol).

32. Unrhyw daliad, a wnaed i'r ceisydd neu bartner y ceisydd ar gyfer person (“y person dan sylw”), nad yw fel arfer yn aelod o aelwyd y ceisydd ond sydd yng ngofal y ceisydd dros dro, gan—

- (a) awdurdod iechyd;
- (b) awdurdod lleol, ond gan eithrio taliadau o fudd-dal tai a wnaed mewn perthynas â'r person dan sylw;
- (c) sefydliad gwirfoddol;
- (d) y person dan sylw yn unol ag adran 26(3A) o Ddeddf Cymorth Gwladol 1948(3);
- (e) ymddiriedolaeth gofal sylfaenol a sefydlwyd o dan adran 16A o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(4) neu a sefydlwyd drwy orchymyn a wnaed o dan adran 18(2)(c) o Ddeddf y Gwasanaeth Iechyd Gwladol 2006(5); neu
- (f) Bwrdd Iechyd Lleol a sefydlwyd o dan adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(6).

- (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services);

(2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

31. Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made—

- (a) by a local authority under—
- (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after);
 - (ii) section 26 of the Children (Scotland) Act 1995(1) (manner of provision of accommodation to child looked after by local authority); or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009(2) (fostering and kinship care allowances and fostering allowances); or
- (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).

32. Any payment made to the applicant or the applicant's partner for a person (“the person concerned”), who is not normally a member of the applicant's household but is temporarily in the applicant's care, by—

- (a) a health authority;
- (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
- (c) a voluntary organisation;
- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948(3);
- (e) a primary care trust established under section 16A of the National Health Service Act 1977(4) or established by an order made under section 18 of the National Health Service Act 2006(5); or
- (f) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006(6).

(1) 1995 p.36.
(2) O.S. 2009/210.
(3) 1948 p.29.
(4) 1977 p.49.
(5) 2006 p.41.
(6) 2006 p.42.

(1) 1995 c.36.
(2) S.I. 2009/210.
(3) 1948 c.29.
(4) 1977 c.49.
(5) 2006 c.41.
(6) 2006 c.42.

33. Unrhyw daliad a wnaed gan awdurdod lleol yn unol ag adran 17, 23B, 23C neu 24A o Ddeddf Plant 1989⁽¹⁾ neu, yn ôl fel y digwydd, adran 12 o Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968 neu adran 22, 29 neu 30 o Ddeddf Plant (Yr Alban) 1995 (darparu gwasanaethau i blant a'u teuluoedd a chyngor a chymorth i blant penodol).

34.—(1) Yn ddarostyngedig i is-baragraff (2), unrhyw daliad (neu ran o daliad) a wnaed gan awdurdod lleol yn unol ag adran 23C o Ddeddf Plant 1989 neu adran 29 o Ddeddf Plant (Yr Alban) 1995 (dyletswydd awdurdodau lleol i hyrwyddo lles plant a phwerau i roi cymorth ariannol i bersonau sydd, neu a fu, yn eu gofal) i berson (“A”) ac a drosglwyddir ymlaen gan A i'r ceisydd.

(2) Nid yw is-baragraff (1) yn gymwys ac eithrio pan fo A—

- (a) wedi bod gynt yng ngofal y ceisydd, a
- (b) yn 18 mlwydd oed neu'n hŷn, ac
- (c) yn parhau i fyw gyda'r ceisydd.

35.—(1) Yn ddarostyngedig i is-baragraff (2), unrhyw daliad a gafwyd o dan bolisi yswiriant a drefnwyd i yswirio rhag y risg o fod yn analluog i gynnal yr ad-daliadau—

- (a) ar fenthyciad a sicrhawyd ar yr annedd a feddiennir gan y ceisydd fel cartref y ceisydd; neu
- (b) o dan gytundeb rheoleiddiedig yn yr ystyr o “regulated agreement” fel y'i diffinnir at ddibenion Deddf Credyd Defnyddwyr 1974⁽²⁾ neu o dan gytundeb hurbwrcas neu gytundeb gwerthiant amodol yn yr ystyr, yn eu trefn, a roddir i “hire-purchase agreement” a “conditional sale agreement” fel y'u diffinnir at ddibenion Rhan 3 o Ddeddf Hurbwrcas 1964⁽³⁾.

(2) Ni chaniateir diystyru taliad y cyfeirir ato yn is-baragraff (1) ac eithrio i'r graddau nad yw'r taliad a gafwyd o dan y polisi hwnnw yn fwy na'r symiau, a gyfrifir ar sail wythnosol, a ddefnyddir i—

- (a) cynnal yr ad-daliadau y cyfeirir atynt yn is-baragraff (1)(a) neu, yn ôl fel y digwydd, (1)(b); a
- (b) talu unrhyw swm sy'n ddyladwy ar ffurf premiymau ar—
 - (i) y polisi hwnnw; neu

33. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

34.—(1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person (“A”) which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A—

- (a) was formerly in the applicant's care, and
- (b) is aged 18 or over, and
- (c) continues to live with the applicant.

35.—(1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments—

- (a) on a loan which is secured on the dwelling which the applicant occupies as the applicant's home; or
- (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974⁽¹⁾ or under a hire purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964⁽²⁾.

(2) A payment referred to in sub-paragraph (1) is only to be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—

- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (1)(b); and
- (b) meet any amount due by way of premiums on—
 - (i) that policy; or

(1) 1989 p.49.
(2) 1974 p.39.
(3) 1964 p.53.

(1) 1974 c.39.
(2) 1964 c.53.

- (ii) mewn achos pan fo is-baragraff (1)(a) yn gymwys, polisi yswiriant a drefnwyd i yswirio rhag colled neu ddifrod i unrhyw adeilad, neu ran o adeilad, a feddiennir gan y ceisydd fel cartref y ceisydd, ac sy'n ofynnol fel amod o'r benthyciad y cyfeirir ato yn is-baragraff (1)(a).

36. Unrhyw daliad o incwm sydd i'w drin fel cyfalaf yn rhinwedd paragraff 61 o'r cynllun hwn (incwm a drinnir fel cyfalaf: personau nad ydynt yn bensiynwyr).

37. Unrhyw—

- (a) taliad cronfa gymdeithasol a wnaed yn unol â Rhan 8 o DCBNC (y gronfa gymdeithasol); neu
- (b) cymorth achlysurol.

38. Unrhyw daliad o dan Ran 10 o DCBNC (bonws Nadolig i bensiynwyr).

39. Pan wneir taliad o incwm mewn arian cyfredol ac eithrio sterling, unrhyw gostau bancio neu gomisiwn sy'n daladwy am drosi'r taliad hwnnw i sterling.

40. Ni chaiff y cyfanswm o incwm ceisydd neu, os yw'r ceisydd yn aelod o deulu, incwm y teulu ac incwm unrhyw berson y trinnir y ceisydd hwnnw fel pe bai'n ei feddu o dan baragraff 30(3) (cyfrifo incwm a chyfalaf: teulu'r ceisydd phriodasau amlbriod), sydd i'w ddiystyru o dan baragraff 74(2)(b) a pharagraff 75(1)(d) o'r cynllun hwn (cyfrifo incwm cyfamod pan asesir cyfraniad, incwm cyfamod pan nad asesir incwm grant neu nad asesir cyfraniad), paragraff 78(2) o'r cynllun hwn (trin benthyciadau myfyriwr), paragraff 78(3) o'r cynllun hwn (trin taliadau o gronfeydd mynediad) a pharagraffau 20 ac 21 o'r Atodlen hon, mewn unrhyw achos, fod yn fwy nag £20 yr wythnos.

41.—(1) Unrhyw daliad a wnaed o dan neu gan unrhyw un o'r Ymddiriedolaethau, y Gronfa, Ymddiriedolaeth Eileen, MFET Limited, Cronfa Skipton, Sefydliad Caxton, neu'r Gronfa Byw'n Annibynnol (2006).

(2) Unrhyw daliad gan neu ar ran person sy'n dioddef neu a fu'n dioddef o haemoffilia, neu sydd neu a oedd yn berson cymwys, sy'n deillio o daliad a wnaed o dan neu gan unrhyw un o'r Ymddiriedolaethau y cyfeirir atynt yn is-baragraff (1) ac a wneir i, neu er budd—

- (a) partner neu gyn-bartner y person hwnnw nad yw wedi ymwahanu neu ysgaru oddi wrth y person hwnnw, neu, os bu farw'r person hwnnw, nad oedd wedi ymwahanu neu ysgaru oddi wrtho, neu a ffurfiodd bartneriaeth sifil gyda'r person hwnnw, nad yw wedi ei diddymu, neu, os bu farw'r

- (ii) in a case to which sub-paragraph (1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as the applicant's home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).

36. Any payment of income which by virtue of paragraph 61 of this scheme (income treated as capital: persons who are not pensioners) is to be treated as capital.

37. Any—

- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
- (b) occasional assistance.

38. Any payment under Part 10 of the SSCBA (Christmas bonus for pensioners).

39. Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

40. The total of an applicant's income or, if the applicant is a member of a family, the family's income and the income of any person which that applicant is treated as possessing under paragraph 30(3) (calculation of income and capital: applicant's family and polygamous marriages) to be disregarded under paragraph 74(2)(b) and paragraph 75(1)(d) of this scheme (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 78(2) of this scheme (treatment of student loans), paragraph 78(3) of this scheme (treatment of payments from access funds) and paragraphs 20 and 21 of this Schedule is in no case to exceed £20 per week.

41.—(1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person's partner or former partner from whom that person is not, or where that person has died was not, estranged or divorced or with whom that person has formed a civil partnership that has not been dissolved or, where that person has died,

person hwnnw, nad oedd wedi ei diddymu pan fu farw;

- (b) unrhyw blentyn sy'n aelod o deulu'r person hwnnw neu a oedd yn aelod o'r fath ac sydd yn aelod o deulu'r ceisydd; neu
- (c) unrhyw berson ifanc sy'n aelod o deulu'r person hwnnw neu a oedd yn aelod o'r fath ac sydd yn aelod o deulu'r ceisydd.

(3) Unrhyw daliad gan neu ar ran partner neu gyn-bartner person sy'n dioddef neu a fu'n dioddef o haemoffilia, neu sydd neu a oedd yn berson cymwys, ar yr amod nad yw'r partner neu gyn-bartner a'r person hwnnw wedi ymwahanu neu ysgaru, neu, os bu farw'r naill neu'r llall ohonynt, nad oeddent wedi ymwahanu neu ysgaru neu, os oedd y partner neu gyn-bartner a'r person hwnnw wedi ffurfio partneriaeth sifil, nad yw'r bartneriaeth sifil wedi ei diddymu, neu, os bu farw'r naill neu'r llall ohonynt, nad oedd wedi ei diddymu ar yr adeg y digwyddodd y farwolaeth, sy'n deillio o daliad a wnaed o dan neu gan unrhyw un o'r Ymddiriedolaethau y cyfeirir atynt yn is-baragraff (1) ac a wneir i, neu er budd—

- (a) y person sy'n dioddef o haemoffilia neu sy'n berson cymwys;
- (b) unrhyw blentyn sy'n aelod o deulu'r person hwnnw neu a oedd yn aelod o'r fath ac sydd yn aelod o deulu'r ceisydd; neu
- (c) unrhyw berson ifanc sy'n aelod o deulu'r person hwnnw neu a oedd yn aelod o'r fath ac sydd yn aelod o deulu'r ceisydd.

(4) Unrhyw daliad gan berson sy'n dioddef o haemoffilia neu sy'n berson cymwys, a'r taliad yn deillio o daliad o dan neu gan unrhyw un o'r Ymddiriedolaethau y cyfeirir atynt yn is-baragraff (1), pan—

- (a) nad oes gan y person hwnnw bartner na chyn-bartner nad yw wedi ymwahanu neu ysgaru oddi wrtho, na neb y ffurfiodd bartneriaeth sifil ag ef ac na ddiddymwyd y bartneriaeth honno, nac unrhyw blentyn neu berson ifanc sydd, neu a fu, yn aelod o deulu'r person hwnnw; a
- (b) gwneir y taliad i naill ai—
 - (i) i riant neu lys-riant y person hwnnw; neu
 - (ii) os yw'r person hwnnw, ar y dyddiad y gwneir y taliad, yn blentyn neu'n berson ifanc neu'n fyfyrwr nad yw wedi cwblhau ei addysg amser llawn ac nad oes gan y person hwnnw riant neu lys-riant, i warcheidwad y person hwnnw,

ond hynny am y cyfnod, yn unig, o'r dyddiad y gwneir y taliad hyd at ddiwedd cyfnod o ddwy flynedd ar ôl marwolaeth y person hwnnw.

had not been dissolved at the time of that person's death;

- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom that person is not estranged or divorced or with whom that person has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed full-time education and has no parent or step-parent, to the child or young person's parent or that student's guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Unrhyw daliad allan o ystad person a oedd yn dioddef o haemoffilia neu a oedd yn berson cymwys, a'r taliad yn deillio o daliad o dan neu gan unrhyw un o'r Ymddiriedolaethau y cyfeirir atynt yn is-baragraff (1), pan—

- (a) nad oedd gan y person hwnnw, ar ddyddiad ei farwolaeth (y dyddiad perthnasol) bartner na chyn-bartner nad oedd wedi ymwahanu neu ysgaru oddi wrtho, na neb yr oedd wedi ffurfio partneriaeth sifil ag ef ac na ddiddymwyd y bartneriaeth honno, nac unrhyw blentyn neu berson ifanc a oedd, neu a oedd wedi bod, yn aelod o deulu'r person hwnnw; a
- (b) gwneir y taliad naill ai—
 - (i) i riant neu lys-riant y person hwnnw; neu
 - (ii) os oedd y person hwnnw, ar y dyddiad perthnasol, yn blentyn neu'n berson ifanc neu'n fyfyrwr nad oedd wedi cwblhau ei addysg amser llawn ac nad oedd gan y person hwnnw riant neu lys-riant, i warcheidwad y person hwnnw,

ond hynny am gyfnod, yn unig, o ddwy flynedd o'r dyddiad perthnasol.

(6) Yn achos person y gwneir taliad, y cyfeirir ato yn y paragraff hwn, iddo neu er ei fudd, unrhyw incwm sy'n deillio o unrhyw daliad o incwm neu gyfalaf a wneir o dan, neu sy'n deillio o, unrhyw un o'r Ymddiriedolaethau.

(7) At ddibenion is-baragraffau (2) i (6), rhaid dehongli unrhyw gyfeiriad at yr Ymddiriedolaethau fel pe bai'n cynnwys cyfeiriad at y Gronfa, Ymddiriedolaeth Eileen, MFET Limited, Cronfa Skipton, Sefydliad Caxton, a Chronfa Cymorth Elusennol Bomiau Llundain.

42. Unrhyw fudd-dal tai.

43. Unrhyw daliad a wnaed gan yr Ysgrifennydd Gwladol i ddigolledu am golli (yn gyfan gwbl neu'n rhannol) yr hawlogaeth i gael budd-dal tai.

44. Unrhyw daliad i reithiwr neu dyst mewn perthynas â phresenoldeb mewn llys, ac eithrio digollediad am golli enillion neu golli budd-dal sy'n daladwy o dan y Deddfau budd-dal.

45. Unrhyw daliad o ganlyniad i ostyngiad yn y dreth gyngor o dan adran 13A(1)(c) o Ddeddf 1992 (gostyngiad atebolrwydd am dreth gyngor).

46.—(1) Unrhyw daliad neu ad-daliad a wneir—

- (a) o ran Lloegr, o dan reoliad 5, 6 neu 12 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl)

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person at the date of that person's death (the relevant date) had no partner or former partner from whom that person was not estranged or divorced or with whom that person has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of that person's family; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed full-time education and had no parent or step-parent, to that child or young person's parent or that student's guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

42. Any housing benefit.

43. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

44. Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.

45. Any payment in consequence of a reduction of council tax under section 13A(1)(c) of the 1992 Act (reduction of liability for council tax).

46.—(1) Any payment or repayment made—

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges)

2003(1) (treuliau teithio a chyflenwadau gwasanaeth iechyd);

- (b) o ran Cymru, o dan reoliad 5, 6 neu 11 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) 2007(2) (treuliau teithio a chyflenwadau gwasanaeth iechyd);
- (c) o ran yr Alban, o dan reoliad 3, 5 neu 11 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Yr Alban) (Rhif 2) 2003(3) (treuliau teithio a chyflenwadau gwasanaeth iechyd).

(2) Unrhyw daliad neu ad-daliad a wneir gan yr Ysgrifennydd Gwladol dros Iechyd, Gweinidogion yr Alban neu Weinidogion Cymru sy'n gyfatebol i daliad neu ad-daliad a grybwyllir yn is-baragraff (1).

47. Unrhyw daliad a wneir i'r cyfryw bersonau sydd â hawl i gael buddion fel y penderfynir gan neu o dan gynllun a wnaed yn unol ag adran 13 o Ddeddf Nawdd Cymdeithasol 1988(4) yn lle talebau neu drefniadau cyffelyb mewn cysylltiad â darparu'r buddion hynny (gan gynnwys taliadau a wneir yn lle talebau cychwyn iach, talebau llaeth neu gyflenwi fitaminau).

48. Unrhyw daliad a wneir gan naill ai'r Ysgrifennydd Gwladol dros Gyfiawnder neu Weinidogion yr Alban o dan gynllun a sefydlwyd i gynorthwyo perthnasau a phersonau eraill i ymweld â phersonau a gedwir yn y ddalfa.

49.—(1) Pan fo swm cymwysadwy ceisydd yn cynnwys swm ar gyfer premiwm teulu, £15 o unrhyw daliad cynnal, ac eithrio cynhaliath plant, boed o dan orchymyn llys ai peidio, a wnaed neu sy'n ddyladwy, gan gyn-bartner y ceisydd, neu gyn-bartner partner y ceisydd.

(2) At ddibenion is-baragraff (1), os oes mwy nag un taliad cynnal i'w gymryd i ystyriaeth mewn unrhyw wythnos, rhaid cydgrynhoi'r holl daliadau o'r fath a'u trin fel pe baent yn daliad sengl.

(3) At ddibenion is-baragraff (1) rhaid trin taliad a wneir gan yr Ysgrifennydd Gwladol yn lle cynhaliath fel pe bai'n daliad o gynhaliath a wnaed gan berson a bennir yn is-baragraff (1).

50.—(1) Unrhyw daliad o gynhaliath plant a wneir gan, neu sy'n deillio o, berthynas atebol pan fo'r plentyn neu berson ifanc y gwneir y taliad mewn perthynas ag ef yn aelod o deulu'r ceisydd, ac eithrio pan wneir y taliad gan y ceisydd neu bartner y ceisydd.

Regulations 2003(1) (travelling expenses and health service supplies);

- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007(2) (travelling expenses and health service supplies);
- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No 2) Regulations 2003(3) (travelling expenses and health service supplies).

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1).

47. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988(4) in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).

48. Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.

49.—(1) Where an applicant's applicable amount includes an amount by way of family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.

(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments are to be aggregated and treated as if they were a single payment.

(3) A payment made by the Secretary of State in lieu of maintenance is, for the purpose of sub-paragraph (1), to be treated as a payment of maintenance made by a person specified in sub-paragraph (1).

50.—(1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.

(1) O.S. 2003/2382.

(2) O.S. 2007/1104 (Cy.116).

(3) O.S. 2003/460.

(4) 1988 p.7.

(1) S.I. 2003/2382.

(2) S.I. 2007/1104 (W.116).

(3) S.I. 2003/460.

(4) 1988 c.7.

(2) Yn is-baragraff (1)—

ystyr “cynhaliaeth plant” (“*child maintenance*”) yw unrhyw daliad tuag at gynhaliaeth plentyn neu berson ifanc, gan gynnwys unrhyw daliad a wneir yn wirfoddol a thaliadau a wneir o dan—

- (a) Deddf Cynnal Plant 1991(1);
- (b) Gorchymyn Cynnal Plant (Gogledd Iwerddon) 1991(2);
- (c) gorchymyn llys;
- (d) gorchymyn cydsynio;
- (e) cytundeb cynhaliaeth a gofrestrwyd ar gyfer ei weithredu yn Llyfrau'r Cyngor a'r Sesiwn neu yn llyfrau'r llysoedd siryf;

ystyr “perthynas atebol” (“*liable relative*”) yw person a restrir yn y diffiniad o “liable relative” yn rheoliad 54 (dehongli) o Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987(3), ac eithrio person sy'n dod o fewn is-baragraff (d) o'r diffiniad hwnnw.

51. Unrhyw daliad (ac eithrio lwfans hyfforddi) a wneir, boed gan yr Ysgrifennydd Gwladol neu unrhyw berson arall, o dan Ddeddf Personau Anabl (Cyflogaeth) 1944(4) i gynorthwyo personau anabl i gael neu gadw cyflogaeth er gwaethaf eu hanabledd.

52. Unrhyw lwfans gwarcheidwad.

53.—(1) Os yw'r ceisydd yn cael unrhyw fudd-dal o dan Ran 2, 3 neu 5 o DCBNC, unrhyw gynnydd yng nghyfradd y budd-dal hwnnw sy'n digwydd o dan Ran 4 (cynnydd ar gyfer dibynyddion) neu adran 106(a) (atodiad i'r anghyflogadwy) o'r Ddeddf honno, pan nad yw'r dibynydd y telir y cynnydd mewn perthynas ag ef yn aelod o deulu'r ceisydd.

(2) Os yw'r ceisydd yn cael unrhyw bensiwn neu lwfans o dan Ran 2 neu 3 o Orchymyn Pensiynau Gwasanaethu'r Llynges, y Fyddin a'r Llu Awyr Etc (Anabledd a Marwolaeth) 2006(5), unrhyw gynnydd yng nghyfradd y pensiwn neu lwfans hwnnw o dan y Gorchymyn hwnnw, pan nad yw'r dibynydd y telir y cynnydd mewn perthynas ag ef yn aelod o deulu'r ceisydd.

54. Unrhyw bensiwn atodol o dan erthygl 23(2) o Orchymyn Pensiynau Gwasanaethu'r Llynges, y Fyddin a'r Llu Awyr Etc (Anabledd a Marwolaeth) 2006 (pensiynau i wŷr priod a gwagedd priod sy'n goroesi, a phartneriaid sifil sy'n goroesi) ac unrhyw daliad cyfatebol a wneir gan yr Ysgrifennydd Gwladol dros Amddiffyn i unrhyw berson nad yw'n berson sydd â hawl o dan y Gorchymyn hwnnw.

(2) In sub-paragraph (1)—

“child maintenance” (“*cynhaliaeth plant*”) means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under—

- (a) the Child Support Act 1991(1);
- (b) the Child Support (Northern Ireland) Order 1991(2);
- (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

“liable relative” (“*perthynas atebol*”) means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987(3), other than a person falling within sub-paragraph (d) of that definition.

51. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944(4) to assist disabled persons to obtain or retain employment despite their disability.

52. Any guardian's allowance.

53.—(1) If the applicant is in receipt of any benefit under Part 2, 3 or 5 of the SSCBA, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of that Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

(2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006(5), any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

54. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

(1) 1991 p.48.

(2) O.S. 1991/2628.

(3) O.S. 1987/1967.

(4) 1944 p.10.

(5) O.S. 2006/606.

(1) 1991 c.48.

(2) S.I. 1991/2628.

(3) S.I. 1987/1967.

(4) 1944 c.10.

(5) S.I. 2006/606.

55. Yn achos pensiwn a ddyfarnwyd ar y gyfradd atodol o dan erthygl 27(3) o Gynllun Anafiadau Personol (Sifiliaid) 1983(1) (pensiynau i wŷr priod a gwraedd priod sy'n goroesi, a phartneriaid sifil sy'n goroesi), y swm a bennir ym mharagraff 1(c) o Atodlen 4 i'r Cynllun hwnnw.

56.—(1) Unrhyw daliad—

- (a) a wneir o dan unrhyw un o'r Offerynnau Dosbarthu i wraig neu ŵr gweddw, neu bartner sifil sy'n goroesi person—
 - (i) yr oedd ei farwolaeth i'w phriodoli i wasanaeth mewn swyddogaeth gyfatebol i wasanaeth fel aelod o luoedd arfog y Goron; a
 - (ii) y terfynodd ei wasanaeth yn y cyfryw swyddogaeth cyn 31 Mawrth 1973; a
- (b) yn hafal i'r swm a bennir yn erthygl 23(2) o Orchymyn Pensiynau Gwasanaethu'r Llynges, y Fyddin a'r Llu Awyr Etc (Anabledd a Marwolaeth) 2006.

(2) Yn y paragraff hwn ystyr "yr Offerynnau Dosbarthu" ("*the Dispensing Instruments*") yw Gorchymyn y Cyfrin Gyngor ar 19 Rhagfyr 1881, Y Warrant Frenhinol ar 27 Hydref 1884 a'r Gorchymyn gan Ei Fawrhydi ar 14 Ionawr 1922 (dyfarniadau eithriadol o dâl, tâl aneffeithiol a lwfansau).

57. Unrhyw ostyngiad o dan y cynllun hwn y mae hawl gan y ceisydd i'w gael.

58. Ac eithrio mewn achos sy'n dod o dan is-baragraff (1) o baragraff 18 o Atodlen 6, pan fo'r ceisydd yn berson sy'n bodloni unrhyw un o'r amodau yn is-baragraff (2) o'r paragraff hwnnw, unrhyw swm o gredyd treth gwaith i fyny at £17.10.

59. Unrhyw daliad a wneir o dan adran 12B o Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968(2), neu o dan adrannau 12A i 12D o Ddeddf y Gwasanaeth Iechyd Gwladol 2006 (taliadau uniongyrchol ar gyfer gofal iechyd) neu o dan reoliadau a wnaed o dan adran 57 o Ddeddf Iechyd a Gofal Cymdeithasol 2001(3) (taliadau uniongyrchol).

60.—(1) Yn ddarostyngedig i is-baragraff (2), mewn perthynas â pherson sy'n cael, neu sydd wedi cael, cymorth o dan y llwybr hunangyflogaeth, unrhyw daliad i'r person hwnnw—

- (a) i dalu treuliau a dynnwyd yn gyfan gwbl ac yn angenrheidiol tra'n ymgymryd â'r gweithgaredd masnachol;

55. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(1) (pensions to surviving spouses and surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

56.—(1) Any payment which is—

- (a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person—
 - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 - (ii) whose service in such capacity terminated before 31 March 1973; and
- (b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph "the Dispensing Instruments" ("*yr Offerynnau Dosbarthu*") means the Order in Council of 19 December 1881, the Royal Warrant of 27 October 1884 and the Order by His Majesty of 14 January 1922 (exceptional grants of pay, non-effective pay and allowances).

57. Any reduction under this scheme to which the applicant is entitled.

58. Except in a case which falls under sub-paragraph (1) of paragraph 18 of Schedule 6, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

59. Any payment made under section 12B of the Social Work (Scotland) Act 1968(2), or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001(3) (direct payments).

60.—(1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—

- (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;

(1) O.S. 1983/686.
(2) 1968 p.49.
(3) 2001 p.15.

(1) S.I. 1983/686.
(2) 1968 c.49.
(3) 2001 c.15

- (b) a ddefnyddiwyd, neu a fwriadwyd i'w ddefnyddio, i gynnal ad-daliadau ar fenthyciad a gymerwyd gan y person hwnnw at y diben o sefydlu neu gyflawni'r gweithgaredd masnachol,
- (c) y ceir neu y cafwyd cymorth o'r fath mewn perthynas ag ef.

(2) Mae is-baragraff (1) yn gymwys yn unig mewn perthynas â thaliadau a delir i'r person hwnnw allan o'r cyfrif arbennig.

61.—(1) Unrhyw daliad o ddyfarniad chwaraeon ac eithrio i'r graddau y'i gwnaed mewn perthynas ag unrhyw un neu ragor o'r eitemau a bennir yn is-baragraff (2).

(2) Yr eitemau a bennir at ddibenion is-baragraff (1) yw bwyd, dillad neu esgidiau cyffredin, tanwydd cartref neu rent y ceisydd neu, os yw'r ceisydd yn aelod o deulu, unrhyw aelod arall o deulu'r ceisydd, neu unrhyw dreth gyngor neu daliadau dŵr y mae'r ceisydd neu'r aelod hwnnw'n atebol amdanynt.

(3) At ddibenion is-baragraff (2) nid yw “bwyd” (“*food*”) yn cynnwys fitaminau, mwynau neu atchwanegiadau dietegol arbennig eraill a fwriedir ar gyfer gwella perfformiad y person yn y gamp y gwnaed y dyfarniad mewn perthynas â hi.

62. Pan fo swm y lwfans cynhaliath a delir i berson mewn wythnos ostyngiad yn fwy na swm y lwfans ceisio gwaith ar sail incwm y byddai'r person hwnnw wedi ei gael yn yr wythnos ostyngiad pe bai wedi bod yn daladwy i'r person hwnnw llai 50c, y swm dros ben hwnnw.

63. Yn achos ceisydd sy'n cymryd rhan mewn rhaglen parth cyflogaeth, unrhyw daliad disgresiynol a wneir gan gontractwr parth cyflogaeth i'r ceisydd, boed ar ffurf ffi, grant, benthyciad neu rywfodd arall.

64. Unrhyw daliad tai disgresiynol a delir yn unol â rheoliad 2(1) o Reoliadau Cymorth Ariannol Disgresiynol 2001(1).

65. Unrhyw daliad a wneir gan awdurdod lleol neu gan Weinidogion Cymru, i neu ar ran y ceisydd neu bartner y ceisydd mewn perthynas â gwasanaeth a ddarperir i ddatblygu neu gynnal gallu'r ceisydd neu bartner y ceisydd i fyw'n annibynnol yn llety'r ceisydd.

66. Unrhyw daliad o fudd-dal plant.

- (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,

- (c) in respect of which such assistance is or was received.

(2) Sub-paragraph (1) is to apply only in respect of payments which are paid to that person from the special account.

61.—(1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of the applicant's family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) “food” (“*bwyd*”) does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

62. Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to that person, less 50p, that excess amount.

63. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.

64. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001(1).

65. Any payment made by a local authority or by the Welsh Ministers, to or on behalf of the applicant or the applicant's partner relating to a service which is provided to develop or sustain the capacity of the applicant or the applicant's partner to live independently in the applicant's accommodation.

66. Any payment of child benefit.

ATODLEN 8

Diystyriadau cyfalaf: pensiynwyr

RHAN 1

Cyfalaf sydd i'w ddiystyru

1. Unrhyw fangre a gaffaelwyd i'w meddiannu gan y ceisydd ac y mae'r ceisydd yn bwriadu ei meddiannu fel cartref i'r ceisydd o fewn 26 wythnos ar ôl y dyddiad caffael neu pa bynnag gyfnod hwy sy'n rhesymol yn yr amgylchiadau i alluogi'r ceisydd i gael meddiant a dechrau meddiannu'r fangre.

2. Unrhyw fangre y mae'r ceisydd yn bwriadu ei meddiannu fel cartref i'r ceisydd, ac y mae'r ceisydd yn cymryd camau i gael meddiant ohoni ac wedi ceisio cyngor cyfreithiol, neu wedi cychwyn achos cyfreithiol gyda'r bwriad o gael meddiant, am gyfnod o 26 wythnos o'r dyddiad y ceisiodd y ceisydd gyntaf y cyfryw gyngor neu y cychwynnodd gyntaf achos o'r fath, pa un bynnag yw'r cynharaf, neu pa bynnag gyfnod hwy sy'n rhesymol yn yr amgylchiadau i alluogi'r ceisydd i gael meddiant a dechrau meddiannu'r fangre.

3. Unrhyw fangre y bwriada'r ceisydd ei meddiannu fel cartref iddo ac y mae angen gwneud atgyweiriadau neu newidiadau hanfodol iddi, er mwyn iddi fod yn addas i'w meddiannu felly, am gyfnod o 26 wythnos o'r dyddiad y mae'r ceisydd yn cymryd y camau gyntaf i gyflawni'r atgyweiriadau neu'r newidiadau hynny, neu pa bynnag gyfnod hwy sy'n angenrheidiol er mwyn galluogi cyflawni'r atgyweiriadau neu'r newidiadau hynny.

4. Unrhyw fangre a feddiennir yn gyfan gwbl neu'n rhannol—

- (a) gan berson sy'n berthynas i'r ceisydd neu bartner y ceisydd fel cartref i'r person hwnnw pan fo'r person hwnnw wedi cyrraedd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth, neu'n analluog;
- (b) gan gyn-bartner y ceisydd fel cartref i'r person hwnnw; ond nid yw'r ddarpariaeth hon yn gymwys os yw'r cyn-bartner yn berson y mae'r ceisydd wedi ymwahanu neu ysgaru oddi wrtho, neu y ffurfiodd y ceisydd bartneriaeth sifil ag ef, sydd bellach wedi ei diddymu.

5. Unrhyw fuddiant yn y dyfodol mewn eiddo o unrhyw fath, ac eithrio tir neu fangre y caniatuodd y ceisydd brydles neu denantiaeth arno neu arni, sy'n bodoli ar y pryd, gan gynnwys is-brydlesi neu is-denantiaethau.

SCHEDULE 8

Capital disregards: pensioners

PART 1

Capital to be disregarded

1. Any premises acquired for occupation by the applicant which the applicant intends to occupy as the applicant's home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.

2. Any premises which the applicant intends to occupy as the applicant's home, and in respect of which the applicant is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which the applicant first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of those premises.

3. Any premises which the applicant intends to occupy as the applicant's home to which essential repairs or alterations are required in order to render the premises fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

4. Any premises occupied in whole or in part—

- (a) by a person who is a relative of the applicant or the applicant's partner as that person's home where that person has attained the qualifying age for state pension credit or is incapacitated;
- (b) by the former partner of the applicant as that person's home; but this provision is not to apply where the former partner is a person from whom the applicant is estranged or divorced or with whom the applicant had formed a civil partnership that has been dissolved.

5. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.

6. Pan fo ceisydd wedi peidio â meddiannu'r hyn a oedd gynt yn annedd a feddiennid fel y cartref, yn dilyn ymwahaniad neu ysgariad y ceisydd oddi wrth ei bartner blaenorol, neu'n dilyn diddymu partneriaeth sifil rhwng y ceisydd a'i bartner blaenorol, yr annedd honno am gyfnod o 26 wythnos o'r dyddiad y peidiodd y ceisydd â meddiannu'r annedd neu, os meddiennir yr annedd fel cartref y partner blaenorol sydd hefyd yn unig riant, cyhyd ag y'i meddiennir felly.

7. Unrhyw fangre pan fo'r ceisydd yn cymryd camau rhesymol i waredu'r cyfan o fuddiant y ceisydd yn y fangre honno, am gyfnod o 26 wythnos o'r dyddiad y cymerodd y ceisydd y camau cyntaf o'r fath neu pa bynnag gyfnod hwy sy'n rhesymol yn yr amgylchiadau, i alluogi'r ceisydd i waredu'r fangre honno.

8. Pob eiddo personol.

9. Asedau unrhyw fusnes sy'n eiddo, yn gyfan gwbl neu'n rhannol, i'r ceisydd pan fo'r ceisydd yn gweithredu fel enillydd hunangyflogedig at ddibenion y busnes hwnnw, neu, os yw'r ceisydd wedi peidio â gweithredu felly, am ba gyfnod bynnag sy'n rhesymol yn yr amgylchiadau i ganiatáu gwaredu'r asedau hynny.

10. Asedau unrhyw fusnes sy'n eiddo, yn gyfan gwbl neu'n rhannol, i'r ceisydd—

- (a) os nad yw'r ceisydd yn gweithredu fel enillydd hunangyflogedig yn y busnes hwnnw, oherwydd rhyw glefyd neu anabledd corfforol neu feddyliol; ond
- (b) bod y ceisydd yn bwriadu gweithredu (neu, yn ôl fel y digwydd, gweithredu drachefn) fel enillydd hunangyflogedig yn y busnes hwnnw cyn gynted ag y bo'n gwella neu'n alluog i weithredu neu weithredu drachefn yn y busnes hwnnw,

am gyfnod o 26 wythnos o'r dyddiad y gwneir y cais am ostyngiad o dan y cynllun hwn, neu, os yw'n afresymol disgwyl i'r ceisydd ddechrau gweithredu neu weithredu drachefn yn y busnes hwnnw o fewn y cyfnod hwnnw, am ba bynnag gyfnod hwy sy'n rhesymol yn yr amgylchiadau, i alluogi'r ceisydd i ddechrau gweithredu felly neu weithredu felly drachefn.

11. Gwerth ildio unrhyw bolisi yswiriant bywyd.

12. Gwerth unrhyw gontract cynllun angladd; ac at y diben hwn, ystyr "contract cynllun angladd" ("*funeral plan contract*") yw contract lle—

- (a) y mae'r ceisydd yn gwneud un neu ragor o daliadau i berson arall ("y darparwr");
- (b) y mae'r darparwr yn ymgymryd i ddarparu neu sicrhau y darperir, angladd yn y

6. Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following the applicant's estrangement or divorce from the applicant's former partner or the dissolution of a civil partnership with the applicant's former partner, that dwelling for a period of 26 weeks from the date on which the applicant ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

7. Any premises where the applicant is taking reasonable steps to dispose of the whole of the applicant's interest in those premises, for a period of 26 weeks from the date on which the applicant first took such steps, or such longer period as is reasonable in the circumstances to enable the applicant to dispose of those premises.

8. All personal possessions.

9. The assets of any business owned in whole or in part by the applicant and for the purposes of which the applicant is engaged as a self-employed earner or, if the applicant has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of those assets.

10. The assets of any business owned in whole or in part by the applicant if—

- (a) the applicant is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
- (b) the applicant intends to become engaged (or, as the case may be, re-engaged) as a self-employed earner in that business as soon as the applicant recovers or is able to become engaged, or re-engaged, in that business,

for a period of 26 weeks from the date on which the application for a reduction under this scheme is made or, if it is unreasonable to expect the applicant to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable the applicant to become so engaged or re-engaged.

11. The surrender value of any policy of life insurance.

12. The value of any funeral plan contract; and for this purpose, "funeral plan contract" ("*contract cynllun angladd*") means a contract under which—

- (a) the applicant makes one or more payments to another person ("the provider");
- (b) the provider undertakes to provide, or secure the provision of, a funeral in the United

Deyrnas Unedig i'r ceisydd ar farwolaeth y ceisydd; ac

- (c) unig ddiben y cynllun yw darparu neu sicrhau y darperir, angladd i'r ceisydd ar farwolaeth y ceisydd.

13. Pan fo taliad *ex gratia* wedi ei wneud gan yr Ysgrifennydd Gwladol ar neu ar ôl 1 Chwefror 2001 o ganlyniad i garcharu neu gaethiwo—

- (a) y ceisydd;
(b) partner y ceisydd;
(c) priod ymadawedig neu bartner sifil ymadawedig y ceisydd; neu
(d) priod ymadawedig neu bartner sifil ymadawedig partner y ceisydd,

gan y Japaneaid yn ystod yr Ail Ryfel Byd, swm sy'n hafal i'r taliad hwnnw.

14.—(1) Yn ddarostyngedig i is-baragraff (2), swm unrhyw daliad ymddiriedolaeth a wneir i geisydd neu bartner ceisydd sydd yn—

- (a) person â diagnosis;
(b) partner i berson â diagnosis, neu a oedd yn bartner i berson â diagnosis ar yr adeg y bu farw'r person â diagnosis; neu
(c) rhiant person â diagnosis, person yn gweithredu yn lle rhieni'r person â diagnosis, neu berson a oedd yn gweithredu felly ar ddyddiad marwolaeth y person â diagnosis.

(2) Pan wneir taliad ymddiriedolaeth i—

- (a) person y cyfeirir ato yn is-baragraff (1)(a) neu (b), bydd yr is-baragraff hwnnw'n gymwys am y cyfnod sy'n cychwyn ar y dyddiad y gwneir y taliad ymddiriedolaeth ac yn diweddu ar ddyddiad marwolaeth y person hwnnw;
(b) person y cyfeirir ato yn is-baragraff (1)(c), bydd yr is-baragraff hwnnw'n gymwys am y cyfnod sy'n cychwyn ar y dyddiad y gwneir y taliad ymddiriedolaeth ac yn diweddu ddwy flynedd ar ôl y dyddiad hwnnw.

(3) Yn ddarostyngedig i is-baragraff (4), swm unrhyw daliad gan berson y gwnaed taliad ymddiriedolaeth iddo neu unrhyw daliad allan o ystad person y gwnaed taliad ymddiriedolaeth iddo, a wneir i geisydd neu bartner ceisydd sydd yn—

- (a) person â diagnosis;
(b) partner i berson â diagnosis, neu a oedd yn bartner i berson â diagnosis ar yr adeg y bu farw'r person â diagnosis; neu
(c) rhiant person â diagnosis, person yn gweithredu yn lle rhieni'r person â

Kingdom for the applicant on the applicant's death; and

- (c) the sole purpose of the plan is to provide or secure the provision of a funeral for the applicant on the applicant's death.

13. Where an *ex-gratia* payment has been made by the Secretary of State on or after 1 February 2001 in consequence of the imprisonment or internment of—

- (a) the applicant;
(b) the applicant's partner;
(c) the applicant's deceased spouse or deceased civil partner; or
(d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, an amount equal to that payment.

14.—(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or an applicant's partner who is—

- (a) a diagnosed person;
(b) a diagnosed person's partner or was a diagnosed person's partner at the time of the diagnosed person's death; or
(c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph is to apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
(b) a person referred to in sub-paragraph (1)(c), that sub-paragraph is to apply for the period beginning on the date on which the trust payment is made and ending two years after that date.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or an applicant's partner who is—

- (a) the diagnosed person;
(b) a diagnosed person's partner or was a diagnosed person's partner at the date of the diagnosed person's death; or
(c) a parent of a diagnosed person, a person acting in place of the diagnosed person's

diagnosis, neu berson a oedd yn gweithredu felly ar ddyddiad marwolaeth y person â diagnosis.

(4) Pan wneir taliad o'r math y cyfeirir ato yn is-baragraff (3) i—

- (a) person y cyfeirir ato yn is-baragraff (3)(a) neu (b), bydd yr is-baragraff hwnnw'n gymwys am y cyfnod sy'n cychwyn ar y dyddiad y gwneir y taliad ac yn diweddu ar ddyddiad marwolaeth y person hwnnw;
- (b) person y cyfeirir ato yn is-baragraff (3)(c), bydd yr is-baragraff hwnnw'n gymwys am y cyfnod sy'n cychwyn ar y dyddiad y gwneir y taliad ac yn diweddu ddwy flynedd ar ôl y dyddiad hwnnw.

(5) Yn y paragraff hwn, mae cyfeiriad at berson—

- (a) sy'n bartner y person â diagnosis;
- (b) yn gweithredu yn lle rhieni'r person â diagnosis,

ar ddyddiad marwolaeth y person â diagnosis yn cynnwys person a fyddai wedi bod yn berson o'r fath neu'n berson a fyddai'n gweithredu felly, pe na bai'r person â diagnosis yn preswyllo mewn cartref gofal neu ysbyty annibynnol.

(6) Yn y paragraff hwn—

ystyr "person â diagnosis" ("*diagnosed person*") yw person y gwnaed diagnosis ei fod yn dioddef o glefyd amrywiolyn Creutzfeldt-Jakob, neu y gwnaed diagnosis ar ôl marwolaeth y person hwnnw ei fod wedi dioddef o'r clefyd hwnnw;

ystyr "ymddiriedolaeth berthnasol" ("*relevant trust*") yw ymddiriedolaeth a sefydlwyd gyda chyllid a ddarparwyd gan yr Ysgrifennydd Gwladol mewn perthynas â phersonau a oedd yn dioddef, neu sydd yn dioddef, o glefyd amrywiolyn Creutzfeldt-Jakob, er budd personau sy'n gymwys i gael taliadau yn unol â'i darpariaethau;

ystyr "taliad ymddiriedolaeth" ("*trust payment*") yw taliad o dan ymddiriedolaeth berthnasol.

15. Swm unrhyw daliad, ac eithrio pensiwn rhyfel, a wneir i ddigolledu oherwydd bod y ceisydd, partner y ceisydd, priod ymadawedig neu bartner sifil ymadawedig y ceisydd neu briod ymadawedig neu bartner sifil ymadawedig partner y ceisydd—

- (a) wedi bod yn gaeth lafurwr neu'n llafurwr dan orfodaeth;
- (b) wedi dioddef colled eiddo neu wedi dioddef niwed personol; neu
- (c) yn rhiant plentyn a fu farw,

yn ystod yr Ail Ryfel Byd.

parents or a person who was so acting at the date of the diagnosed person's death.

(4) Where a payment such as referred to in sub-paragraph (3) is made to—

- (a) a person referred to in sub-paragraph (3)(a) or (b), that sub-paragraph is to apply for the period beginning on the date on which the payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(c), that sub-paragraph is to apply for the period beginning on the date on which the payment is made and ending two years after that date.

(5) In this paragraph, a reference to a person—

- (a) being the diagnosed person's partner;
- (b) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death is to include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home or an independent hospital.

(6) In this paragraph—

"diagnosed person" ("*person â diagnosis*") means a person who has been diagnosed as suffering from, or who, after that person's death, has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;

"relevant trust" ("*ymddiriedolaeth berthnasol*") means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

"trust payment" ("*taliad ymddiriedolaeth*") means a payment under a relevant trust.

15. The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or civil partner or the applicant's partner's deceased spouse or civil partner—

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died,

during the Second World War.

16.—(1) Unrhyw daliad a wnaed o dan neu gan—

- (a) yr Ymddiriedolaethau, y Gronfa, Ymddiriedolaeth Eileen, MFET Limited, Cronfa Skipton, Sefydliad Caxton, neu Gronfa Cymorth Elusennol Bomiau Llundain (y cyfeirir atynt gyda'i gilydd yn y paragraff hwn fel “yr Ymddiriedolaethau”); neu
- (b) y Gronfa Byw'n Annibynnol (2006).

(2) Unrhyw daliad gan neu ar ran person sy'n dioddef neu a fu'n dioddef o haemoffilia, neu sydd neu a oedd yn berson cymwys, sy'n deillio o daliad a wnaed o dan neu gan unrhyw un o'r Ymddiriedolaethau ac a wneir i, neu er budd, partner neu gyn-bartner y person hwnnw—

- (a) nad yw wedi ymwahanu neu ysgaru oddi wrth y person hwnnw, neu, os bu farw'r person hwnnw, nad oedd wedi ymwahanu neu ysgaru oddi wrtho, neu
- (b) a ffurfiodd bartneriaeth sifil gyda'r person hwnnw, nad yw wedi ei diddymu, neu, os bu farw'r person hwnnw, nad oedd wedi ei diddymu pan fu farw.

(3) Unrhyw daliad gan neu ar ran partner neu gyn-bartner person sy'n dioddef neu a fu'n dioddef o haemoffilia, neu sydd neu a oedd yn berson cymwys, sy'n deillio o daliad a wnaed o dan neu gan unrhyw un o'r Ymddiriedolaethau ac a wneir i, neu er budd y person sy'n dioddef o haemoffilia neu sy'n berson cymwys.

(4) Nid yw is-baragraff (3) yn gymwys—

- (a) os nad yw'r partner neu gyn-bartner a'r person hwnnw wedi ymwahanu neu ysgaru, neu, os bu farw'r naill neu'r llall ohonynt, os nad oeddent wedi ymwahanu neu ysgaru, neu
- (b) pan fo'r partner neu gyn-bartner a'r person hwnnw wedi ffurfioartneriaeth sifil, os nad yw'r bartneriaeth sifil wedi ei diddymu, neu, os bu farw'r naill neu'r llall ohonynt, os nad oedd wedi ei diddymu pan ddigwyddodd y farwolaeth.

(5) Unrhyw daliad gan berson sy'n dioddef o haemoffilia neu sy'n berson cymwys, a'r taliad yn deillio o daliad o dan neu gan unrhyw un o'r Ymddiriedolaethau, pan—

- (a) nad oes gan y person hwnnw bartner na chyn-bartner nad yw wedi ymwahanu neu ysgaru oddi wrtho, na neb y ffurfiodd bartneriaeth sifil ag ef ac na ddiddymwyd y bartneriaeth honno, nac unrhyw blentyn sydd, neu a fu, yn aelod o aelwyd y person hwnnw; a
- (b) gwneir y taliad naill ai—
 - (i) i riant neu lys-riant y person hwnnw; neu

16.—(1) Any payment made under or by—

- (a) the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as “the Trusts”); or
- (b) the Independent Living Fund (2006).

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts and which is made to or for the benefit of that person's partner or former partner—

- (a) from whom that person is not, or where that person has died was not, estranged or divorced; or
- (b) with whom that person has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts and which is made to or for the benefit of the person who is suffering from haemophilia or who is a qualifying person.

(4) Sub-paragraph (3) does not apply if—

- (a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced; or
- (b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.

(5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts, where—

- (a) that person has no partner or former partner from whom that person is not estranged or divorced or with whom that person has formed a civil partnership that has not been dissolved, nor any child who is or had been a member of that person's household; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent; or

- (ii) os yw'r person hwnnw, ar y dyddiad y gwneir y taliad, yn blentyn neu'n fyfyrwr nad yw wedi cwblhau ei addysg amser llawn ac nad oes ganddo riant neu lys-riant, i unrhyw berson sy'n sefyll yn lle rhiant y plentyn neu'r person ifanc neu'r myfyrwr hwnnw,

ond hynny am gyfnod, yn unig, o'r dyddiad y gwneir y taliad hyd at ddiwedd cyfnod o ddwy flynedd ar ôl marwolaeth y person hwnnw.

(6) Unrhyw daliad allan o ystad person a oedd yn dioddef o haemoffilia neu a oedd yn berson cymwys, a'r taliad yn deillio o daliad o dan neu gan unrhyw un o'r Ymddiriedolaethau, pan—

- (a) nad oedd gan y person hwnnw, ar ddyddiad ei farwolaeth (“y dyddiad perthnasol”) bartner na chyn-bartner nad oedd wedi ymwahanu neu ysgaru oddi wrtho, na neb yr oedd wedi ffurfio partneriaeth sifil ag ef ac na ddiddymwyd y bartneriaeth honno, nac unrhyw blentyn a oedd, neu a oedd wedi bod, yn aelod o aelwyd y person hwnnw; a
- (b) gwneir y taliad naill ai—
 - (i) i riant neu lys-riant y person hwnnw; neu
 - (ii) os oedd y person hwnnw, ar y dyddiad perthnasol, yn blentyn neu'n fyfyrwr nad oedd wedi cwblhau ei addysg amser llawn ac nad oedd ganddo riant neu lys-riant, i unrhyw berson sy'n sefyll yn lle rhiant y plentyn neu'r person ifanc neu'r myfyrwr hwnnw,

ond hynny am gyfnod, yn unig, o ddwy flynedd o'r dyddiad perthnasol.

(7) Yn achos person y gwneir taliad, y cyfeirir ato yn y paragraff hwn, iddo neu er ei fudd, unrhyw adnodd cyfalaf sy'n deillio o unrhyw daliad o incwm neu gyfalaf a wneir o dan, neu sy'n deillio o, unrhyw un o'r Ymddiriedolaethau.

17.—(1) Swm sy'n hafal i swm unrhyw daliad a wneir o ganlyniad i unrhyw niwed personol i'r ceisydd neu, os oes partner gan y ceisydd, i'r partner.

(2) Os gweinyddir y cyfan neu ran o'r taliad—

- (a) gan yr Uchel Lys neu'r Llys Sirol o dan Reol 21.11(1) o Reolau Trefniadaeth Sifil 1998(1) neu'r Llys Gwarchod, neu ar ran person pan na ellir gwneud y taliad ac eithrio drwy orchymyn neu gyfarwyddyd unrhyw lys o'r fath;

- (ii) where that person at the date of the payment is a child or a student who has not completed full-time education and has no parent or step-parent, to any person standing in the place of that child or young person's parent or that student's parent,

but only for a period from the date of the payment until the end of two years from that person's death.

(6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts, where—

- (a) that person at the date of that person's death (“the relevant date”) had no partner or former partner from whom that person was not estranged or divorced or with whom that person had formed a civil partnership that had not been dissolved, nor any child who was or had been a member of that person's household; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the relevant date was a child or a student who had not completed full-time education and had no parent or step-parent, to any person standing in place of that child or young person's parent or that student's parent,

but only for a period of two years from the relevant date.

(7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

17.—(1) An amount equal to the amount of any payment made in consequence of any personal injury to the applicant or, if the applicant has a partner, to the partner.

(2) Where the whole or part of the payment is administered—

- (a) by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998(1), or the Court of Protection, or on behalf of a person where the payment can only be disposed of by order or direction of any such court;

(1) O.S. 1998/3132.

(1) S.I. 1998/3132.

- (b) yn unol â gorchymyn a wneir o dan Reol 36.14 o Reolau Achosion Cyffredin 1993 neu o dan Reol 128 o'r Rheolau hynny; neu
- (c) yn unol â thelerau ymddiriedolaeth a sefydlwyd er budd y ceisydd neu bartner y ceisydd,
- (d) y cyfan o'r swm a weinyddir felly.

18. Unrhyw swm a bennir ym mharagraff 19, 20, 21 neu 25 o'r Atodlen hon am gyfnod o un flwyddyn sy'n cychwyn gyda dyddiad derbyn y swm hwnnw.

19. Symiau a delir o dan bolisi yswiriant mewn cysylltiad â cholled neu ddifrod i'r eiddo a feddiennir gan y ceisydd fel cartref i'r ceisydd, ac i eiddo personol y ceisydd.

20. Cymaint o unrhyw symiau a delir i'r ceisydd neu a adneuir yn enw'r ceisydd at yr unig ddiben o—

- (a) prynu mangre y mae'r ceisydd yn bwriadu ei meddiannu fel cartref i'r ceisydd; neu
- (b) cyflawni atgyweiriadau neu newidiadau hanfodol i'r fangre a feddiennir, neu y bwriedir ei meddiannu, gan y ceisydd fel cartref y ceisydd.

21.—(1) Yn ddarostyngedig i baragraff 22 o'r Atodlen hon, unrhyw swm a delir—

- (a) fel ôl-daliad o fudd-dal;
- (b) i ddigolledu am dalu budd-dal yn hwyr;
- (c) yn lle taliad o fudd-dal;
- (d) i unioni, neu ddigolledu am gamgymeriad swyddogol fel y'i diffinnir at ddibenion paragraff 22, sef swm nad yw'r paragraff hwnnw'n gymwys iddo;
- (e) gan awdurdod lleol allan o gyllid a ddarperir naill ai o dan adran 93 o Ddeddf Llywodraeth Leol 2000(1) o dan gynllun a elwir "Cefnogi Pobl" neu adran 91 o Ddeddf Tai (Yr Alban) 2001(2).

(2) Yn is-baragraff (1), ystyr "budd-dal" ("*benefit*") yw—

- (a) lwfans gweini o dan adran 64 o DCBNC;
- (b) lwfans byw i'r anabl;
- (c) taliad annibyniaeth bersonol;
- (d) TALIA;
- (e) cymhorthdal incwm;
- (f) lwfans ceisio gwaith ar sail incwm;

- (b) in accordance with an order made under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules; or
- (c) in accordance with the terms of a trust established for the benefit of the applicant or the applicant's partner,
- (d) the whole of the amount so administered.

18. Any amount specified in paragraph 19, 20, 21 or 25 of this Schedule for a period of one year beginning with the date of receipt.

19. Amounts paid under a policy of insurance in connection with the loss of or damage to the property occupied by the applicant as the applicant's home and to the applicant's personal possessions.

20. So much of any amounts paid to the applicant or deposited in the applicant's name for the sole purpose of—

- (a) purchasing premises which the applicant intends to occupy as the applicant's home; or
- (b) effecting essential repairs or alterations to the premises occupied or intended to be occupied by the applicant as the applicant's home.

21.—(1) Subject to paragraph 22 of this Schedule any amount paid—

- (a) by way of arrears of benefit;
- (b) by way of compensation for the late payment of benefit;
- (c) in lieu of the payment of benefit;
- (d) to rectify, or compensate for, an official error, as defined for the purposes of paragraph 22, being an amount to which that paragraph does not apply;
- (e) by a local authority out of funds provided under either section 93 of the Local Government Act 2000(1) under a scheme known as "Supporting People" or section 91 of the Housing (Scotland) Act 2001(2).

(2) In sub-paragraph (1), "benefit" ("*budd-dal*") means—

- (a) attendance allowance under section 64 of the SSCBA;
- (b) disability living allowance;
- (c) personal independence payment;
- (d) an AFIP;
- (e) income support;
- (f) income-based jobseeker's allowance;

(1) 2000 c.22.
(2) 2001 dsa 10.

(1) 2000 c.22.
(2) 2001 asp 10.

- (g) credyd pensiwn y wladwriaeth;
- (h) budd-dal tai;
- (i) budd-dal treth gyngor;
- (j) credyd treth plant;
- (k) cynnydd mewn pensiwn anabledd o dan adran 104 o DCBNC (cynnydd pan fo angen gweini cyson), ac unrhyw gynnydd pellach mewn pensiwn o'r fath o dan adran 105 o DCBNC (cynnydd ar gyfer anabledd eithriadol o ddifrifol);
- (l) unrhyw swm a gynhwysir oherwydd anabledd eithriadol o ddifrifol y ceisydd neu'r angen am weini cyson mewn pensiwn anabledd rhyfel neu bensiwn rhyfel gwraig neu ŵr gweddw;
- (m) unrhyw daliad tai disgresiynol a delir yn unol â rheoliad 2(1) o Reoliadau Cymorth Ariannol Disgresiynol 2001(1);
- (n) credyd treth gwaith; neu
- (o) lwfans cyflogaeth a chymorth ar sail incwm.

22.—(1) Yn ddarostyngedig i is-baragraff (3), unrhyw daliad o £5,000 neu ragor, a wnaed i unioni, neu ddiogolledu am gamgymeriad swyddogol mewn cysylltiad â budd-dal perthnasol ac a gafwyd yn llawn gan y ceisydd ar neu ar ôl y diwrnod yr enillodd y ceisydd yr hawl i gael gostyngiad o dan y cynllun hwn.

(2) Yn ddarostyngedig i is-baragraff (3), cyfanswm unrhyw daliadau a ddiystyrir o dan—

- (a) paragraff 7(2) o Atodlen 10 i Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987(2);
- (b) paragraff 12(2) o Atodlen 8 i Reoliadau Lwfans Ceisio Gwaith 1996(3);
- (c) paragraff 9(2) o Atodlen 5 i Reoliadau Budd-dal y Dreth Gyngor 2006(4);
- (d) paragraff 20A o Atodlen 5 i Reoliadau Credyd Pensiwn y Wladwriaeth 2002(5);
- (e) paragraff 11(2) o Atodlen 9 i Reoliadau Lwfans Cyflogaeth a Chymorth 2008(6),

os oedd y dyfarniad yr oedd y taliadau i'w diystyru ddiwethaf mewn perthynas ag ef o dan y Rheoliadau hynny naill ai'n terfynu yn union cyn y dyddiad perthnasol neu'n parhau mewn bodolaeth ar y dyddiad hwnnw.

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- (1) O.S. 2001/1167.
 - (2) O.S. 1987/1967.
 - (3) O.S. 1996/207.
 - (4) O.S. 2006/215.
 - (5) O.S. 2002/1792.
 - (6) O.S. 2008/794.

- (g) state pension credit;
- (h) housing benefit;
- (i) council tax benefit;
- (j) child tax credit;
- (k) an increase of a disablement pension under section 104 of the SSCBA (increase where constant attendance is needed), and any further increase of such a pension under section 105 of the SSCBA (increase for exceptionally severe disablement);
- (l) any amount included on account of the applicant's exceptionally severe disablement or need for constant attendance in a war disablement pension or a war widow's or widower's pension;
- (m) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001(1);
- (n) working tax credit; or
- (o) income-related employment and support allowance.

22.—(1) Subject to sub-paragraph (3), any payment of £5,000 or more which has been made to rectify, or to compensate for, an official error relating to a relevant benefit and which has been received by the applicant in full on or after the day on which the applicant became entitled to a reduction under this scheme.

(2) Subject to sub-paragraph (3), the total amount of any payments disregarded under—

- (a) paragraph 7(2) of Schedule 10 to the Income Support (General) Regulations 1987(2);
- (b) paragraph 12(2) of Schedule 8 to the Jobseeker's Allowance Regulations 1996(3);
- (c) paragraph 9(2) of Schedule 5 to the Council Tax Benefit Regulations 2006(4);
- (d) paragraph 20A of Schedule 5 to the State Pension Credit Regulations 2002(5),
- (e) paragraph 11(2) of Schedule 9 to the Employment and Support Allowance Regulations 2008(6),

where the award in respect of which the payments last fell to be disregarded under those Regulations either terminated immediately before the relevant date or is still in existence at that date.

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- (1) S.I. 2001/1167.
 - (2) S.I. 1987/1967.
 - (3) S.I. 1996/207.
 - (4) S.I. 2006/215.
 - (5) S.I. 2002/1792.
 - (6) S.I. 2008/794.

(3) Bydd unrhyw ddiystyriad sy'n gymwys o dan is-baragraff (1) neu (2) yn cael effaith hyd nes daw'r dyfarniad i ben.

(4) Yn y paragraff hwn—

ystyr “y dyfarniad” (“*the award*”), ac eithrio yn is-baragraff (2), yw—

- (a) y dyfarniad o ostyngiad o dan y cynllun hwn pan geir y swm perthnasol, neu, os telir y swm perthnasol mewn mwy nag un rhandaliad, pan geir y rhandaliad cyntaf o'r swm hwnnw; a
- (b) os dilynir y dyfarniad hwnnw gan un neu ragor o ddyfarniadau pellach, sy'n dechrau yn union wedi i'r dyfarniad blaenorol ddod i ben, neu sydd bob un yn dechrau yn union wedi i'r un blaenorol ddod i ben, y cyfryw ddyfarniadau pellach tan ddiwedd yr olaf ohonynt, ar yr amod, ar gyfer y cyfryw ddyfarniadau pellach, mai'r ceisydd—

(i) yw'r person a gafodd y swm perthnasol;

(ii) yw partner y person hwnnw; neu

(iii) a oedd yn bartner y person hwnnw ar ddyddiad marwolaeth y person hwnnw;

mae i “camgymeriad swyddogol”—

- (a) pan fo'r camgymeriad yn ymwneud â budd-dal tai, neu fudd-dal treth gyngor (mewn perthynas ag unrhyw gyfnod cyn 1 Ebrill 2013), yr ystyr a roddir i “official error” gan reoliad 1(2) o Reoliadau Budd-dal Tai a Budd-dal Treth Gyngor (Penderfyniadau ac Apelau) 2001(1); a
- (b) pan fo'r camgymeriad yn ymwneud ag unrhyw fudd-dal perthnasol arall, yr ystyr a roddir i “official error” gan reoliad 1(3) o Reoliadau Nawdd Cymdeithasol a Chynnal Plant (Penderfyniadau ac Apelau) 1999(2);

ystyr “budd-dal perthnasol” (“*relevant benefit*”) yw unrhyw fudd-dal a bennir ym mharagraff 21(2);

ystyr “y dyddiad perthnasol” (“*the relevant date*”) yw'r dyddiad y gwnaed cais am ostyngiad o dan y cynllun hwn; ac

ystyr “y swm perthnasol” (“*the relevant sum*”) yw'r taliad y cyfeirir ato yn is-baragraff (1) neu'r cyfanswm y cyfeirir ato yn is-baragraff (2).

23. Os delir ased cyfalaf mewn arian cyfredol ac eithrio sterling, unrhyw gostau bancio neu gomisiwn sy'n daladwy am drosi'r cyfalaf hwnnw i sterling.

24. Gwerth yr hawl i gael incwm o gynllun pensiwn galwedigaethol neu gynllun pensiwn personol.

(1) O.S. 2001/1002.

(2) O.S. 1999/991.

(3) Any disregard which applies under sub-paragraph (1) or (2) is to have effect until the award comes to an end.

(4) In this paragraph—

“the award” (“*y dyfarniad*”), except in sub-paragraph (2), means—

- (a) the award of a reduction under this scheme during which the relevant sum or, where it is paid in more than one instalment, the first instalment of that sum is received; and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the previous award ends, such further awards until the end of the last such award, provided that, for such further awards, the applicant—

(i) is the person who received the relevant sum;

(ii) is the partner of that person; or

(iii) was the partner of that person at the date of that person's death;

“official error” (“*camgymeriad swyddogol*”)—

- (a) where the error relates to housing benefit, or council tax benefit (in respect of any period before 1 April 2013), has the meaning given by regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(1); and
- (b) where the error relates to any other relevant benefit, has the meaning given by regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999;

“relevant benefit” (“*budd-dal perthnasol*”) means any benefit specified in paragraph 21(2);

“the relevant date” (“*y dyddiad perthnasol*”) means the date on which the application for a reduction under this scheme was made; and

“the relevant sum” (“*y swm perthnasol*”) means the payment referred to in sub-paragraph (1) or the total amount referred to in sub-paragraph (2).

23. Where a capital asset is held in a currency other than Sterling, any banking charge or commission payable in converting that capital into Sterling.

24. The value of the right to receive income from an occupational pension scheme or a personal pension scheme.

(1) S.I. 2001/1002.

25. Unrhyw ôl-daliad o bensiwn atodol a ddiystyrir o dan baragraff 4 o Atodlen 5 (symiau sydd i'w diystyru wrth gyfrifo incwm ac eithrio enillion: pensiynwyr) neu o unrhyw swm a ddiystyrir o dan baragraff 5 neu 6 o'r Atodlen honno.

26. Yr annedd a feddiennir fel y cartref; ond un annedd yn unig sydd i'w diystyru o dan y paragraff hwn.

27. Pan fo person yn dewis yr hawl i gael cyfandaliad o dan Atodlen 5 neu 5A i DCBNC neu o dan Atodlen 1 i Reoliadau Nawdd Cymdeithasol (Budd-dal Ymdeol Graddedig) 2005(1), neu pan drinnir ef fel pe bai wedi gwneud dewis o'r fath, a thaliad wedi ei wneud yn unol â'r dewis hwnnw, swm sy'n hafal i—

- (a) ac eithrio pan fo is-baragraff (b) yn gymwys, swm unrhyw daliad neu daliadau a wneir ar gyfrif y cyfandaliad hwnnw; neu
- (b) swm y cyfandaliad hwnnw,

ond hynny cyhyd, yn unig, nad yw'r person hwnnw'n newid y dewis hwnnw o blaid cynnydd mewn pensiwn neu fuddion.

28. Unrhyw daliadau a wneir yn rhinwedd rheoliadau a wneir o dan—

- (a) adran 57 o Ddeddf Iechyd a Gofal Cymdeithasol 2001(2) (taliadau uniongyrchol);
- (b) adran 12B o Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968(3) (taliadau uniongyrchol mewn perthynas â gwasanaethau gofal cymunedol);
- (c) adrannau 12A i 12C o Ddeddf y Gwasanaeth Iechyd Gwladol 2006 (taliadau uniongyrchol am ofal iechyd);
- (d) Erthygl 15 o Orchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972(4) (lles cymdeithasol cyffredinol); neu
- (e) adran 8 o Ddeddf Gofalwyr a Thaliadau Uniongyrchol (Gogledd Iwerddon) 2002(5) (taliadau uniongyrchol).

25. Any arrears of supplementary pension which is disregarded under paragraph 4 of Schedule 5 (amounts to be disregarded in the calculation of income other than earnings: pensioners) or of any amount which is disregarded under paragraph 5 or 6 of that Schedule.

26. The dwelling occupied as the home; but only one dwelling is to be disregarded under this paragraph.

27. Where a person elects to be entitled to a lump sum under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005(1), or is treated as having made such an election, and a payment has been made pursuant to that election, an amount equal to—

- (a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum;
- (b) the amount of that lump sum,

but only for so long as that person does not change that election in favour of an increase of pension or benefit.

28. Any payments made by virtue of regulations made under—

- (a) section 57 of the Health and Social Care Act 2001(2) (direct payments);
- (b) section 12B of the Social Work (Scotland) Act 1968(3) (direct payments in respect of community care services);
- (c) sections 12A to 12C of the National Health Service Act 2006 (direct payments for health care);
- (d) Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972(4); or
- (e) section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002(5) (direct payments).

(1) O.S. 2005/454.

(2) 2001 p.15.

(3) 1968 p.49.

(4) O.S. 1972/1265 (G.I. 14).

(5) 2002 p.6.

(1) S.I. 2005/454.

(2) 2001 c.15.

(3) 1968 c.49.

(4) S.I. 1972/1265 (N.I. 14).

(5) 2002 c.6.

RHAN 2

Cyfalaf a ddiystyrir at ddibenion penderfynu incwm tybiedig yn unig

29. Gwerth yr hawl i gael unrhyw incwm o dan fuddiant am oes neu o dan rent am oes.

30. Gwerth yr hawl i gael unrhyw rent, ac eithrio pan fo gan y ceisydd fuddiant atchweliadol yn yr eiddo y mae'r rhent yn daladwy amdano.

31. Gwerth yr hawl i gael unrhyw incwm o dan flwydd-dal, neu werth ildio blwydd-dal o'r fath (os oes gwerth ildio).

32. Pan ddelerir eiddo o dan ymddiriedolaeth, ac eithrio—

- (a) ymddiriedolaeth elusennol yn yr ystyr a roddir i "charitable trust" gan Ddeddf Elusennau 2011(1); neu
- (b) ymddiriedolaeth a sefydlwyd gydag unrhyw daliad y mae paragraff 16 o'r Atodlen hon yn gymwys iddo,

a phan fo taliadau i gael eu gwneud o dan delerau'r ymddiriedolaeth, neu pan fo disgresiwn gan yr ymddiriedolwyr i wneud taliadau i'r ceisydd neu bartner y ceisydd neu'r ddau, neu er budd y naill neu'r llall neu'r ddau, yr eiddo hwnnw.

ATODLEN 9

Diystyriadau cyfalaf: personau nad ydynt yn bensiywyr

1. Unrhyw daliad a wnaed i'r ceisydd mewn perthynas ag unrhyw ofal plant, teithio neu dreuliau eraill a dynnwyd, neu sydd i'w tynnu, gan y ceisydd mewn perthynas â chyfranogiad y ceisydd yn y Cynllun Peilot Gweithio Am Eich Budd-dal, ond am 52 wythnos yn unig, sy'n cychwyn gyda dyddiad cael y taliad.

2. Unrhyw daliad a wnaed i'r ceisydd mewn perthynas ag unrhyw deithio neu dreuliau eraill a dynnwyd, neu sydd i'w tynnu, gan y ceisydd mewn perthynas â chyfranogiad y ceisydd yn y Cynllun Gweithgaredd Gwaith Gorfodol, ond am 52 wythnos yn unig, sy'n cychwyn gyda dyddiad cael y taliad.

3. Unrhyw daliad a wnaed i'r ceisydd mewn perthynas ag unrhyw deithio neu dreuliau eraill a dynnwyd, neu sydd i'w tynnu, gan y ceisydd mewn perthynas â chyfranogiad y ceisydd yn y Cynllun Cyflogaeth, Sgiliau a Menter, ond am 52 wythnos yn unig, sy'n cychwyn gyda dyddiad cael y taliad.

(1) 2011 p.25.

PART 2

Capital disregarded only for the purposes of determining deemed income

29. The value of the right to receive any income under a life interest or from a life rent.

30. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

31. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

32. Where property is held under a trust, other than—

- (a) a charitable trust within the meaning of the Charities Act 2011(1); or
- (b) a trust set up with any payment to which paragraph 16 of this Schedule applies,

and under the terms of the trust, payments fall to be made, or the trustees have a discretion to make payments, to or for the benefit of the applicant or the applicant's partner, or both, that property.

SCHEDULE 9

Capital disregards: persons who are not pensioners

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by the applicant in respect of the applicant's participation in the Work for Your Benefit Pilot Scheme but only for 52 weeks beginning with the date of receipt of the payment.

2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by the applicant in respect of the applicant's participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.

3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by the applicant in respect of the applicant's participation in the Employment, Skills and Enterprise Scheme but only for 52 weeks beginning with the date of receipt of the payment.

(1) 2011 c.25.

4. Yr annedd ynghyd ag unrhyw garej, gardd ac adeiladau allanol, a feddiennir fel arfer gan y ceisydd fel cartref i'r ceisydd, gan gynnwys unrhyw fangre nas meddiennir felly ac y mae'n anymarferol neu'n afresymol ei gwerthu ar wahân, ond, er gwaethaf paragraff 30 o'r cynllun hwn (cyfrifo incwm a chyfalaf: teulu'r ceisydd a phriodasau amlbriod), un annedd yn unig y caniateir ei diystyru o dan y paragraff hwn.

5. Unrhyw fangre a gaffaelwyd i'w meddiannu gan y ceisydd ac y mae'r ceisydd yn bwriadu ei meddiannu fel cartref i'r ceisydd o fewn 26 wythnos ar ôl y dyddiad caffael neu pa bynnag gyfnod hwy sy'n rhesymol yn yr amgylchiadau i alluogi'r ceisydd i gael meddiant a dechrau meddiannu'r fangre.

6. Unrhyw swm sy'n briodoladwy'n uniongyrchol i dderbyniadau gwerthiant unrhyw fangre a feddiennid gynt gan y ceisydd fel cartref i'r ceisydd, ac sydd i'w ddefnyddio i brynu mangre arall y bwriedir ei meddiannu felly o fewn 26 wythnos ar ôl dyddiad y gwerthiant neu pa bynnag gyfnod hwy sy'n rhesymol yn yr amgylchiadau i alluogi'r ceisydd i gwblhau'r pryniant.

7. Unrhyw fangre a feddiennir yn gyfan gwbl neu'n rhannol—

- (a) gan bartner neu berthynas ceisydd sengl neu unrhyw aelod o'r teulu fel cartref i'r person hwnnw pan fo'r person hwnnw wedi cyrraedd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth neu'n analluog;
- (b) gan gyn-bartner y ceisydd fel cartref i'r person hwnnw; ond nid yw'r ddarpariaeth hon yn gymwys os yw'r cyn-bartner yn berson y mae'r ceisydd wedi ymwahanu neu ysgaru oddi wrtho, neu y ffurfiodd y ceisydd bartneriaeth sifil ag ef, sydd bellach wedi ei diddymu.

8. Pan fo ceisydd yn cael cymhorthdal incwm, lwfans ceisio gwaith ar sail incwm neu lwfans cyflogaeth a chymorth ar sail incwm, y cyfan o gyfalaf y ceisydd.

9. Pan fo'r ceisydd yn aelod o gwpl cyd-hawliad yn yr ystyr o "joint-claim couple" at ddibenion Deddf Ceiswyr Gwaith 1995 a phartner y ceisydd yn cael lwfans ceisio gwaith ar sail incwm, y cyfan o gyfalaf y ceisydd.

10. Unrhyw fuddiant yn y dyfodol mewn eiddo o unrhyw fath, ac eithrio tir neu fangre a osodwyd gan y ceisydd o dan brydles neu denantiaeth sy'n parhau mewn grym, gan gynnwys is-brydles neu is-denantiaeth.

11.—(1) Asedau unrhyw fusnes sy'n eiddo, yn gyfan gwbl neu'n rhannol, i'r ceisydd, pan fo'r ceisydd yn gweithredu fel enillydd hunangyflogedig at ddibenion y busnes hwnnw, neu, os yw'r ceisydd wedi peidio â gweithredu felly, am ba gyfnod bynnag sy'n rhesymol yn yr amgylchiadau i ganiatáu gwaredu unrhyw ased o'r fath.

4. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as the applicant's home including any premises not so occupied which it is impracticable or unreasonable to sell separately, but, notwithstanding paragraph 30 of this scheme (calculation of income and capital: applicant's family and polygamous marriages), only one dwelling is to be disregarded under this paragraph.

5. Any premises acquired for occupation by the applicant which the applicant intends to occupy as the applicant's home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.

6. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as the applicant's home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.

7. Any premises occupied in whole or in part—

- (a) by a partner or relative of a single applicant or any member of the family as that person's home where that person has attained the qualifying age for state pension credit or is incapacitated;
- (b) by the former partner of the applicant as that person's home; but this provision is not to apply where the former partner is a person from whom the applicant is estranged or divorced or with whom the applicant had formed a civil partnership that has been dissolved.

8. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of the applicant's capital.

9. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and the applicant's partner is on income-based jobseeker's allowance, the whole of the applicant's capital.

10. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.

11.—(1) The assets of any business owned in whole or in part by the applicant and for the purposes of which the applicant is engaged as a self-employed earner, or if the applicant has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

(2) Asedau unrhyw fusnes sy'n eiddo, yn gyfan gwbl neu'n rhannol, i'r ceisydd—

- (a) os nad yw'r ceisydd yn gweithredu fel enillydd hunangyflogedig yn y busnes hwnnw, oherwydd rhyw glefyd neu anabledd corfforol neu feddyliol; ond
- (b) bod y ceisydd yn bwriadu gweithredu, neu, yn ôl fel y digwydd, gweithredu drachefn, fel enillydd hunangyflogedig yn y busnes hwnnw cyn gynted ag y bo'n gwella neu'n alluog i weithredu neu weithredu drachefn yn y busnes hwnnw,

am gyfnod o 26 wythnos o'r dyddiad y gwneir y cais am ostyngiad o dan y cynllun hwn, neu y trinnir y cais fel pe bai wedi ei wneud felly, neu, os yw'n afresymol disgwyl i'r ceisydd ddechrau gweithredu neu weithredu drachefn yn y busnes hwnnw o fewn y cyfnod hwnnw, am ba bynnag gyfnod hwy sy'n rhesymol yn yr amgylchiadau, i alluogi'r ceisydd i ddechrau gweithredu felly neu weithredu felly drachefn.

(3) Yn achos person sy'n cael cymorth o dan y llwybr hunangyflogaeth, yr asedau a gaffaelwyd gan y person hwnnw at y diben o sefydlu neu gyflawni'r gweithgaredd masnachol y cafwyd cymorth o'r fath mewn perthynas ag ef.

(4) Yn achos person sydd wedi peidio ymgymryd â'r gweithgaredd masnachol y cafwyd cymorth mewn perthynas ag ef fel a bennir yn is-baragraff (3), yr asedau sy'n berthynol i'r gweithgaredd hwnnw am ba gyfnod bynnag sy'n rhesymol yn yr amgylchiadau i ganiatáu gwaredu unrhyw ased o'r fath.

12.—(1) Yn ddarostyngedig i is-baragraff (2), unrhyw ôl-daliad, neu unrhyw daliad consesiynol a wnaed i ddiogolledu am ôl-ddyled oherwydd methiant i dalu'r canlynol—

- (a) unrhyw daliad a bennir ym mharagraffau 11, 13 neu 14 o Atodlen 7;
- (b) budd-dal ar sail incwm o dan Ran 7 o DCBNC;
- (c) lwfans ceisio gwaith ar sail incwm;
- (d) unrhyw daliad tai disgrisiynol a delir yn unol â rheoliad 2(1) o Reoliadau Cymorth Ariannol Disgrisiynol 2001(1);
- (e) credyd treth gwaith a chredyd treth plant;
- (f) lwfans cyflogaeth a chymorth ar sail incwm,
- (g) ond am gyfnod o 52 wythnos yn unig, o'r dyddiad y ceir yr ôl-daliad neu'r taliad consesiynol.

(2) The assets of any business owned in whole or in part by the applicant where—

- (a) the applicant is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
- (b) the applicant intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as the applicant recovers or is able to become engaged or re-engaged in that business,

for a period of 26 weeks from the date on which the application for a reduction under this scheme is made, or is treated as made, or, if it is unreasonable to expect the applicant to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable the applicant to become so engaged or re-engaged.

(3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

12.—(1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of—

- (a) any payment specified in paragraphs 11, 13 or 14 of Schedule 7;
- (b) an income-related benefit under Part 7 of the SSCBA;
- (c) an income-based jobseeker's allowance;
- (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001(1);
- (e) working tax credit and child tax credit;
- (f) an income-related employment and support allowance,
- (g) but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

(1) O.S. 2001/1167.

(1) S.I. 2001/1167.

(2) Mewn achos pan fo cyfanswm unrhyw ôl-daliadau ac, os yw'n briodol, unrhyw daliad consesiynol y cyfeirir atynt yn is-baragraff (1) mewn perthynas ag un o'r taliadau penodedig, budd-daliadau neu lwfansau, yn £5,000 neu'n fwy (y cyfeirir ato yn yr is-baragraff hwn ac yn is-baragraff (3) fel "y swm perthnasol") ac—

- (a) y'i talwyd er mwyn unioni neu ddigolledu am gamgymeriad swyddogol yn yr ystyr a roddir i "official error" fel y'i diffinnir gan reoliad 1(2) o Reoliadau Budd-dal Tai a Budd-dal Treth Gyngor (Penderfyniadau ac Apelau) 2001 (1); a
- (b) y'i cafwyd gan y ceisydd yn llawn ar neu ar ôl 14 Hydref 2001,
- (c) bydd is-baragraff (1) yn cael effaith mewn perthynas ag ôl-daliad neu daliad consesiynol o'r fath naill ai am gyfnod o 52 wythnos o'r dyddiad y'i cafwyd, neu, os ceir y cyfan o'r swm perthnasol yn ystod cyfnod dyfarniad o ostyngiad o dan y cynllun hwn, am weddill y cyfnod hwnnw os yw'r cyfnod hwnnw'n hwy.

(3) At ddibenion is-baragraff (2), ystyr "cyfnod dyfarniad o ostyngiad o dan y cynllun hwn" ("*the period of an award of a reduction under this scheme*") yw—

- (a) y dyfarniad y cafwyd y swm perthnasol ynddo gyntaf (neu ran gyntaf y swm perthnasol os telir ef mewn mwy nag un rhandaliad); a
- (b) os dilynir y dyfarniad hwnnw gan un neu ragor o ddyfarniadau pellach, sy'n dechrau yn union wedi i'r dyfarniad blaenorol ddod i ben, neu sydd bob un yn dechrau yn union wedi i'r un blaenorol ddod i ben, y cyfryw ddyfarniad pellach, ar yr amod, ar gyfer y cyfryw ddyfarniad pellach, mai'r ceisydd—
 - (i) yw'r person a gafodd y swm perthnasol; neu
 - (ii) yw partner y person a gafodd y swm perthnasol, neu a oedd yn bartner y person hwnnw ar ddyddiad marwolaeth y person hwnnw.

13. Unrhyw swm—

- (a) a delir i'r ceisydd o ganlyniad i ddifrodi neu i gollu'r cartref neu unrhyw eiddo personol, ac a fwriedir ar gyfer ei atgyweirio neu'i amnewid; neu
- (b) a gaffaelwyd gan y ceisydd (boed ar ffurf benthyciad neu fel arall) yn benodol ar yr amod y'i defnyddir i wneud atgyweiriadau hanfodol neu welliant i'r cartref,

(1) O.S. 2001/1002.

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as "the relevant sum") and is—

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(1); and
- (b) received by the applicant in full on or after 14th October 2001,
- (c) sub-paragraph (1) is to have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the period of an award of a reduction under this scheme, for the remainder of that period if that is a longer period.

(3) For the purposes of sub-paragraph (2), "the period of an award of a reduction under this scheme" ("*cyfnod dyfarniad o ostyngiad o dan gynllun awdurdod*") means—

- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant—
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of that person's death.

13. Any sum—

- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
- (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home,

(1) S.I. 2001/1002.

- (c) a ddefnyddir at y diben a fwriedir, am gyfnod o 26 wythnos o'r dyddiad y'i talwyd neu'i caffaelwyd felly, neu am ba bynnag gyfnod hwy sy'n rhesymol yn yr amgylchiadau ar gyfer cyflawni'r atgyweiriadau, yr amnewidiad neu'r gwelliant.

14. Unrhyw swm—

- (a) a adneuwyd gyda chymdeithas dai yn yr ystyr o "housing association" fel y'i diffinnir yn adran 1(1) o Ddeddf Cymdeithasau Tai 1985(1) fel amod o feddiannu'r cartref;
- (b) a adneuwyd felly ac sydd i'w ddefnyddio i brynu cartref arall,

am gyfnod o 26 wythnos neu am ba bynnag gyfnod hwy sy'n rhesymol yn yr amgylchiadau i alluogi'r ceisydd i gwblhau'r pryniant.

15. Unrhyw feddiannau personol ac eithrio rhai a gaffaelwyd gan y ceisydd gyda'r bwriad o leihau ei gyfalaf er mwyn sicrhau hawl i ostyngiad o dan y cynllun hwn, neu gynyddu swm y gostyngiad hwnnw.

16. Gwerth yr hawl i gael unrhyw incwm o dan flwydd-dal neu werth ildio (os oes gwerth ildio) blwydd-dal o'r fath.

17. Pan fo cyllid ymddiriedolaeth yn deillio o daliad a wnaed o ganlyniad i unrhyw niwed personol i'r ceisydd neu i bartner y ceisydd, gwerth cronfa'r ymddiriedolaeth a gwerth yr hawl i gael unrhyw daliad o dan yr ymddiriedolaeth honno.

18.—(1) Unrhyw daliad a wneir i'r ceisydd neu bartner y ceisydd o ganlyniad i unrhyw niwed personol i'r ceisydd neu, yn ôl fel y digwydd, partner y ceisydd.

(2) Ond—

- (a) mae is-baragraff (1) yn gymwys, yn unig, am y cyfnod o 52 wythnos sy'n cychwyn gyda'r diwrnod pan fo'r ceisydd yn cael gyntaf unrhyw daliad o ganlyniad i'r niwed personol hwnnw;
- (b) nid yw is-baragraff (1) yn gymwys i unrhyw daliad dilynol a wneir i'r ceisydd o ganlyniad i'r niwed hwnnw (pa un a wneir y taliad gan yr un person ynteu berson arall);
- (c) bydd is-baragraff (1) yn peidio â bod yn gymwys i'r taliad, neu i unrhyw ran ohono, o'r diwrnod pan na fydd y ceisydd bellach yn ei feddu;
- (d) nid yw is-baragraff (1) yn gymwys i unrhyw daliad gan ymddiriedolaeth pan fo cyllid yr

(1) 1985 p.69.

- (c) which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

14. Any sum—

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985(1) as a condition of occupying the home;
- (b) which was so deposited and which is to be used for the purchase of another home,

for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.

15. Any personal possessions except those which have been acquired by the applicant with the intention of reducing the applicant's capital in order to secure entitlement to a reduction under this scheme or to increase the amount of that reduction.

16. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

17. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.

18.—(1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.

(2) But sub-paragraph (1)—

- (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
- (b) does not apply to any subsequent payment made to the applicant in consequence of that injury (whether it is made by the same person or another);
- (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
- (d) does not apply to any payment from a trust where the funds of the trust are derived from

(1) 1985 c.69.

ymdiriedolaeth yn deillio o daliad a wnaed o ganlyniad i unrhyw niwed personol i'r ceisydd.

(3) At ddibenion is-baragraff (2)(c), mae'r amgylchiadau pan nad yw ceisydd bellach yn meddu taliad neu ran ohono yn cynnwys amgylchiad pan fo ceisydd wedi defnyddio taliad neu ran ohono i brynu ased.

(4) Rhaid dehongli cyfeiriadau yn is-baragraffau (2) a (3) at y ceisydd fel pe baent yn cynnwys cyfeiriadau at bartner y ceisydd (pan fo'n gymwys).

19. Gwerth yr hawl i gael unrhyw incwm o dan fuddiant am oes neu o dan rent am oes.

20. Gwerth yr hawl i gael unrhyw incwm a ddiystyrir o dan baragraff 15 o Atodlen 6 neu baragraff 29 o Atodlen 7.

21. Gwerth ildio unrhyw bolisi yswiriant bywyd.

22. Pan fo unrhyw daliad o gyfalaf yn ddyladwy i'w dalu mewn rhandaliadau, gwerth yr hawl i gael y rhandaliadau sydd eto i'w talu.

23. Unrhyw daliad a wneir gan awdurdod lleol yn unol ag adran 17, 23B, 23C neu 24A o Ddeddf Plant 1989(1) neu, yn ôl fel y digwydd, adran 12 o Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968(2) neu adrannau 22, 29 neu 30 o Ddeddf Plant (Yr Alban) 1995(3) (darparu gwasanaethau i blant a'u teuluoedd a chyngor a chymorth i blant penodol).

24.—(1) Yn ddarostyngedig i is-baragraff (2), unrhyw daliad (neu ran o daliad) a wneir gan awdurdod lleol yn unol ag adran 23C o Ddeddf Plant 1989 neu adran 29 o Ddeddf Plant (Yr Alban) 1995 (dyletswydd awdurdodau lleol o hyrwyddo lles plant a phwerau i roi cymorth ariannol i bersonau sydd neu a fu yn eu gofal) i berson ("A"), ac a drosglwyddir ymlaen gan A i'r ceisydd.

(2) Nid yw is-baragraff (1) yn gymwys ac eithrio pan fo A—

- (a) wedi bod gynt yng ngofal y ceisydd, a
- (b) yn 18 mlwydd oed neu'n hŷn, ac
- (c) yn parhau i fyw gyda'r ceisydd.

25. Unrhyw—

- (a) taliad cronfa gymdeithasol a wnaed yn unol â Rhan 8 o DCBNC (y gronfa gymdeithasol); neu
- (b) cymorth achlysurol.

a payment made in consequence of any personal injury to the applicant.

(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to the applicant's partner (where applicable).

19. The value of the right to receive any income under a life interest or from a life rent.

20. The value of the right to receive any income which is disregarded under paragraph 15 of Schedule 6 or paragraph 29 of Schedule 7.

21. The surrender value of any policy of life insurance.

22. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.

23. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989(1) or, as the case may be, section 12 of the Social Work (Scotland) Act 1968(2) or sections 22, 29 or 30 of the Children (Scotland) Act 1995(3) (provision of services for children and their families and advice and assistance to certain children).

24.—(1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A—

- (a) was formerly in the applicant's care; and
- (b) is aged 18 or over; and
- (c) continues to live with the applicant.

25. Any—

- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
- (b) occasional assistance.

(1) 1989 p.41.
(2) 1968 p.49.
(3) 1995 p.36.

(1) 1989 c.41.
(2) 1968 c.49.
(3) 1995 c.36.

26. Unrhyw ad-daliad o dreth sydd i'w ddiwynnu o dan adran 369 o Ddeddf Trethi Incwm a Chorfforaeth 1988(1) (didynnu treth o log ar fenthyciadau penodol) ar daliad o log benthyciad perthnasol at y diben o gaffael buddiant yn y cartref, neu wneud atgweiriadau neu welliannau yn y cartref.

27. Unrhyw gyfalaf sydd i gael ei drin fel incwm yn rhinwedd paragraffau 52 neu 78 o'r cynllun hwn (cyfalaf a drinnir fel incwm, trin benthyciadau myfyriwr).

28. Pan wneir unrhyw daliad o gyfalaf mewn arian cyfredol ac eithrio sterling, unrhyw gostau bancio neu gomisiwn sy'n daladwy am drosi'r taliad hwnnw i sterling.

29.—(1) Unrhyw daliad a wnaed o dan neu gan yr Ymddiriedolaethau, y Gronfa, Ymddiriedolaeth Eileen, MFET Limited, y Gronfa Byw'n Annibynnol (2006), Cronfa Skipton, Sefydliad Caxton, neu Gronfa Cymorth Elusennol Bomiau Llundain.

(2) Unrhyw daliad gan neu ar ran person sy'n dioddef neu a fu'n dioddef o haemoffilia, neu sydd neu a oedd yn berson cymwys, sy'n deillio o daliad a wnaed o dan neu gan unrhyw un o'r Ymddiriedolaethau y cyfeirir atynt yn is-baragraff (1) ac a wneir i, neu er budd—

- (a) partner neu gyn-bartner y person hwnnw nad yw wedi ymwahanu neu ysgaru oddi wrth y person hwnnw, neu, os bu farw'r person hwnnw, nad oedd wedi ymwahanu neu ysgaru oddi wrtho, neu a ffurfiodd bartneriaeth sifil gyda'r person hwnnw, nad yw wedi ei diddymu, neu, os bu farw'r person hwnnw, nad oedd wedi ei diddymu pan fu farw;
- (b) unrhyw blentyn sy'n aelod o deulu'r person hwnnw neu a oedd yn aelod o'r fath ac y sydd yn aelod o deulu'r ceisydd; neu
- (c) unrhyw berson ifanc sy'n aelod o deulu'r person hwnnw neu a oedd yn aelod o'r fath ac y sydd yn aelod o deulu'r ceisydd.

(3) Unrhyw daliad gan neu ar ran partner neu gyn-bartner person sy'n dioddef neu a fu'n dioddef o haemoffilia, neu sydd neu a oedd yn berson cymwys, sy'n deillio o daliad a wnaed o dan neu gan unrhyw un o'r Ymddiriedolaethau y cyfeirir atynt yn is-baragraff (1) ac a wneir i, neu er budd—

- (a) y person sy'n dioddef o haemoffilia neu sy'n berson cymwys;

26. Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988(1) (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.

27. Any capital which by virtue of paragraphs 52 or 78 of this scheme (capital treated as income, treatment of student loans) is to be treated as income.

28. Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

29.—(1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund.

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person's partner or former partner from whom that person is not, or where that person has died was not, estranged or divorced or with whom that person has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia or who is a qualifying person;

(1) 1988 p.1.

(1) 1988 c.1.

- (b) unrhyw blentyn sy'n aelod o deulu'r person hwnnw neu a oedd yn aelod o'r fath ac y sydd yn aelod o deulu'r ceisydd; neu
- (c) unrhyw berson ifanc sy'n aelod o deulu'r person hwnnw neu a oedd yn aelod o'r fath ac y sydd yn aelod o deulu'r ceisydd.

(4) Nid yw is-baragraff (3) yn gymwys—

- (a) os nad yw'r partner neu'r cyn-bartner a'r person hwnnw wedi ymwahanu neu ysgaru neu, os bu farw'r naill neu'r llall, nad oeddent wedi ymwahanu neu ysgaru, neu
- (b) pan ffurfiodd y partner neu'r cyn-bartner a'r person hwnnw bartneriaeth sifil, os nad yw'r bartneriaeth sifil honno wedi ei diddymu, neu os bu farw'r naill neu'r llall, nad oedd y bartneriaeth wedi ei diddymu ar adeg y farwolaeth,

(5) Unrhyw daliad gan berson sy'n dioddef o haemoffilia neu sy'n berson cymwys, a'r taliad yn deillio o daliad o dan neu gan unrhyw un o'r Ymddiriedolaethau y cyfeirir atynt yn is-baragraff (1), pan—

- (a) nad oes gan y person hwnnw bartner na chyn-bartner nad yw wedi ymwahanu neu ysgaru oddi wrtho, na neb y ffurfiodd bartneriaeth sifil ag ef ac na ddiddymwyd y bartneriaeth honno, nac unrhyw blentyn neu berson ifanc sydd, neu a fu, yn aelod o deulu'r person hwnnw; a
- (b) gwneir y taliad naill ai—
 - (i) i riant neu lys-riant y person hwnnw; neu
 - (ii) os yw'r person hwnnw, ar y dyddiad y gwneir y taliad, yn blentyn, person ifanc neu'n fyfyrwr nad yw wedi cwblhau ei addysg amser llawn ac nad oes ganddo riant neu lys-riant, i warcheidwad y plentyn neu'r person ifanc hwnnw neu warcheidwad y myfyrwr hwnnw,

ond hynny am y cyfnod, yn unig, o'r dyddiad y gwneir y taliad hyd at ddiwedd cyfnod o ddwy flynedd ar ôl marwolaeth y person hwnnw.

(6) Unrhyw daliad allan o ystad person a oedd yn dioddef o haemoffilia neu a oedd yn berson cymwys, a'r taliad yn deillio o daliad o dan neu gan unrhyw un o'r Ymddiriedolaethau y cyfeirir atynt yn is-baragraff (1), pan—

- (a) nad oedd gan y person hwnnw, ar ddyddiad ei farwolaeth (y dyddiad perthnasol) bartner na chyn-bartner nad oedd wedi ymwahanu neu ysgaru oddi wrtho, na neb yr oedd wedi ffurfio bartneriaeth sifil ag ef ac na ddiddymwyd y bartneriaeth honno, nac unrhyw blentyn neu berson ifanc a oedd, neu a oedd wedi bod, yn aelod o deulu'r person hwnnw; a

- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Sub-paragraph (3) does not apply if—

- (a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or
- (b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.

(5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom that person is not estranged or divorced or with whom that person has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed full-time education and has no parent or step-parent, to that child or young person's guardian or that student's guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person at the date of that person's death (the relevant date) had no partner or former partner from whom that person was not estranged or divorced or with whom that person had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of that person's family; and

- (b) gwneir y taliad naill ai—
- (i) i riant neu lys-riant y person hwnnw; neu
 - (ii) os oedd y person hwnnw, ar y dyddiad perthnasol, yn blentyn, person ifanc neu'n fyfyrwr nad oedd wedi cwblhau ei addysg amser llawn ac nad oedd ganddo riant neu lys-riant, i warcheidwad y plentyn neu'r person ifanc hwnnw neu warcheidwad y myfyrwr hwnnw,

ond hynny am gyfnod, yn unig, o ddwy flynedd o'r dyddiad perthnasol.

(7) Yn achos person y gwneir taliad, y cyfeirir ato yn y paragraff hwn, iddo neu er ei fudd, unrhyw adnodd cyfalaf sy'n deillio o unrhyw daliad o incwm neu gyfalaf a wneir o dan, neu sy'n deillio o, unrhyw un o'r Ymddiriedolaethau.

(8) At ddibenion is-baragraffau (2) i (7), rhaid dehongli unrhyw gyfeiriad at yr Ymddiriedolaethau fel pe bai'n cynnwys cyfeiriad at y Gronfa, Ymddiriedolaeth Eileen, MFET Limited, Cronfa Skipton, Sefydliad Caxton, a Chronfa Cymorth Elusennol Bomiau Llundain.

30.—(1) Pan fo ceisydd wedi peidio â meddiannu'r hyn a oedd gynt yn annedd a feddiennid fel y cartref, yn dilyn ymwahaniad neu ysgariad y ceisydd oddi wrth ei bartner blaenorol, neu'n dilyn diddymu partneriaeth sifil rhwng y ceisydd a'i bartner blaenorol, yr annedd honno am gyfnod o 26 wythnos o'r dyddiad y peidiodd y ceisydd â meddiannu'r annedd neu, os meddiennir yr annedd fel cartref y partner blaenorol sydd yn unig riant, cyhyd ag y'i meddiennir felly.

(2) Yn y paragraff hwn, mae "annedd" ("*dwelling*") yn cynnwys unrhyw garej, gardd ac adeiladau allanol, a feddiennid gynt gan y ceisydd fel cartref i'r ceisydd, ac unrhyw fangre nas meddiennid felly, ond y byddai'n anymarferol neu'n afresymol ei gwerthu ar wahân megis, yn benodol, yn yr Alban, unrhyw dir crofft y lleolir yr annedd arno.

31. Unrhyw fangre pan fo'r ceisydd yn cymryd camau rhesymol i waredu'r fangre honno, am gyfnod o 26 wythnos o'r dyddiad y cymerodd y ceisydd y camau cyntaf o'r fath neu pa bynnag gyfnod hwy sy'n rhesymol yn yr amgylchiadau, i alluogi'r ceisydd i waredu'r fangre honno.

32. Unrhyw fangre y mae'r ceisydd yn bwriadu ei meddiannu fel cartref i'r ceisydd, ac y mae'r ceisydd yn cymryd camau i gael meddiant ohoni ac wedi ceisio cyngor cyfreithiol, neu wedi cychwyn achos cyfreithiol gyda'r bwriad o gael meddiant, am gyfnod o 26 wythnos o'r dyddiad y ceisiodd y ceisydd gyntaf y cyfryw gyngor neu y cychwynnodd gyntaf achos o'r fath, pa un bynnag yw'r cynharaf, neu pa bynnag gyfnod hwy sy'n rhesymol yn yr amgylchiadau i

- (b) the payment is made either—
- (i) to that person's parent or step-parent; or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed full-time education and had no parent or step-parent, to that child or young person's guardian or that student's guardian,

but only for a period of two years from the relevant date.

(7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(8) For the purposes of sub-paragraphs (2) to (7), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

30.—(1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following the applicant's estrangement or divorce from, or dissolution of the applicant's civil partnership with, the applicant's former partner, that dwelling for a period of 26 weeks from the date on which the applicant ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph "*dwelling*" ("*annedd*") includes any garage, garden and outbuildings, which were formerly occupied by the applicant as the applicant's home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

31. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which the applicant first took such steps, or such longer period as is reasonable in the circumstances to enable the applicant to dispose of those premises.

32. Any premises which the applicant intends to occupy as the applicant's home, and in respect of which the applicant is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which the applicant first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to

alluogi'r ceisydd i gael meddiant a dechrau meddiannu'r fangre.

33. Unrhyw fangre y bwriada'r ceisydd ei meddiannu fel cartref iddo ac y mae angen gwneud atgyweiriadau neu newidiadau hanfodol iddi, er mwyn iddi fod yn addas i'w meddiannu felly, am gyfnod o 26 wythnos o'r dyddiad y mae'r ceisydd yn cymryd y camau gyntaf i gyflawni'r atgyweiriadau neu'r newidiadau hynny, neu pa bynnag gyfnod hwy sy'n angenrheidiol er mwyn galluogi cyflawni'r atgyweiriadau neu'r newidiadau hynny.

34. Unrhyw daliad a wnaed gan yr Ysgrifennydd Gwladol i ddigolledu am golli (yn gyfan gwbl neu'n rhannol) yr hawlogaeth i gael budd-dal tai.

35. Gwerth yr hawl i gael pensiwn galwedigaethol neu bersonol.

36. Gwerth unrhyw gronfeydd a ddelir o dan gynllun pensiwn personol.

37. Gwerth yr hawl i gael unrhyw rent, ac eithrio pan fo gan y ceisydd fuddiant atchweliadol yn yr eiddo y mae'r rhent yn ddyladwy amdano.

38. Unrhyw daliad mewn nwyddau neu wasanaethau gan elusen neu o dan neu gan yr Ymddiriedolaethau, y Gronfa, MFET Limited, Cronfa Skipton, Sefydliad Caxton neu'r Gronfa Byw'n Annibynnol (2006).

39. Unrhyw daliad a wneir yn unol ag adran 2 o Ddeddf Cyflogaeth a Hyfforddiant 1973(1) neu adran 2 o Ddeddf Menter a Threfi Newydd (Yr Alban) 1990(2), ond am y cyfnod o 52 wythnos yn unig, sy'n cychwyn ar y diwrnod y ceir y taliad.

40. Unrhyw daliad o ganlyniad i ostyngiad o'r dreth gyngor o dan adran 13 o Ddeddf 1992, (gostyngiad atebolrwydd am dreth gyngor), ond am y cyfnod o 52 wythnos yn unig, o'r dyddiad y ceir y taliad.

41. Unrhyw grant a wnaed yn unol â chynllun a wnaed o dan adran 129 o Ddeddf Tai 1988(3) neu adran 66 o Ddeddf Tai (Yr Alban) 1988(4) (cynlluniau ar gyfer taliadau i gynorthwyo tenantiaid awdurdodau tai lleol ac awdurdodau lleol i gael llety arall) sydd i'w ddefnyddio—

- (a) i brynu mangre y bwriedir ei meddiannu fel cartref i'r ceisydd; neu
- (b) i gyflawni atgyweiriadau neu newidiadau sy'n ofynnol er mwyn gwneud mangre'n addas i'w meddiannu fel cartref i'r ceisydd,

enable the applicant to obtain possession and commence occupation of those premises.

33. Any premises which the applicant intends to occupy as the applicant's home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

34. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

35. The value of the right to receive an occupational or personal pension.

36. The value of any funds held under a personal pension scheme.

37. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

38. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

39. Any payment made pursuant to section 2 of the Employment and Training Act 1973(1) Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990(2), but only for the period of 52 weeks beginning on the date of receipt of the payment.

40. Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act, (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.

41. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988(3) or section 66 of the Housing (Scotland) Act 1988(4) schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—

- (a) to purchase premises intended for occupation as the applicant's home; or
- (b) to carry out repairs or alterations which are required to render premises fit for occupation as the applicant's home,

(1) 1973 p.50.
(2) 1990 p.35.
(3) 1988 p.50.
(4) 1988 p.43.

(1) 1973 c.50.
(2) 1990 c.35.
(3) 1988 c.50.
(4) 1988 c.43.

ond am y cyfnod o 26 wythnos o'r dyddiad y cafodd y ceisydd grant o'r fath, neu pa bynnag gyfnod hwy sy'n rhesymol yn yr amgylchiadau i alluogi cwblhau'r pryniant, yr atgyweirio neu'r newidiadau a galluogi'r ceisydd i ddechrau meddiannu'r fangre honno fel cartref i'r ceisydd.

42. Unrhyw ôl-daliad o bensiwn atodol a ddiystyrir o dan baragraff 53 o Atodlen 7 (symiau sydd i'w diystyru wrth gyfrifo incwm ac eithrio enillion) neu o unrhyw swm a ddiystyrir o dan baragraff 54 neu 55 o'r Atodlen honno, ond am gyfnod o 52 wythnos yn unig, o'r dyddiad y ceir yr ôl-daliad.

43.—(1) Unrhyw daliad neu ad-daliad a wneir—

- (a) o ran Lloegr, o dan reoliad 5, 6 neu 12 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) 2003(1) (treuliau teithio a chyflenwadau gwasanaeth iechyd);
- (b) o ran Cymru, o dan reoliad 5, 6 neu 11 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) 2007(2) (treuliau teithio a chyflenwadau gwasanaeth iechyd);
- (c) o ran yr Alban, o dan reoliad 3, 5 neu 11 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Yr Alban) (Rhif 2) 2003(3) (treuliau teithio a chyflenwadau gwasanaeth iechyd),

ond am gyfnod o 52 wythnos yn unig, o'r dyddiad y ceir y taliad neu'r ad-daliad.

(2) Unrhyw daliad neu ad-daliad a wneir gan yr Ysgrifennydd Gwladol dros Iechyd, Gweinidogion yr Alban neu Weinidogion Cymru sy'n gyfatebol i daliad neu ad-daliad a grybwyllir yn is-baragraff (1), ond am gyfnod o 52 wythnos yn unig, o'r dyddiad y ceir y taliad neu'r ad-daliad.

44. Unrhyw daliad a wneir i'r cyfryw bersonau sydd â hawl i gael buddion fel y penderfynir gan neu o dan gynllun a wnaed yn unol ag adran 13 o Ddeddf Nawdd Cymdeithasol 1988(4) yn lle talebau neu drefniadau cyffelyb mewn cysylltiad â darparu'r buddion hynny (gan gynnwys taliadau a wneir yn lle talebau cychwyn iach, talebau llaeth neu gyflenwi fitaminau), ond am gyfnod o 52 wythnos yn unig, o'r dyddiad y ceir y taliad.

for a period of 26 weeks from the date on which the applicant received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as the applicant's home.

42. Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 7 (sums disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

43.—(1) Any payment or repayment made—

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(1) (travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007(2) (travelling expenses and health service supplies);
- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No 2) Regulations 2003(3) (travelling expenses and health service supplies),

but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

44. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988(4) in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

(1) O.S. 2003/2382.

(2) O.S. 2007/1104 (Cy.116).

(3) O.S. 2003/460.

(4) 1988 p.7.

(1) S.I. 2003/2382.

(2) S.I. 2007/1104 (W.116).

(3) S.I. 2003/460.

(4) 1988 c.7.

45. Unrhyw daliad a wneir gan naill ai'r Ysgrifennydd Gwladol dros Gyfiawnder neu Weinidogion yr Alban o dan gynllun a sefydlwyd i gynorthwyo perthnasau a phersonau eraill i ymweld â phersonau a gedwir yn y ddalfa, ond am gyfnod o 52 wythnos yn unig, o'r dyddiad y ceir y taliad.

46. Unrhyw daliad (ac eithrio lwfans hyfforddi) a wneir, boed gan yr Ysgrifennydd Gwladol neu unrhyw berson arall, o dan Ddeddf Personau Anabl (Cyflogaeth) 1944(1) i gynorthwyo personau anabl i gael neu gadw cyflogaeth er gwaethaf eu hanabledd.

47. Unrhyw daliad a wneir gan awdurdod lleol o dan adran 3 o Ddeddf Personau Anabl (Cyflogaeth) 1958(2) i weithwyr gartref o dan y Cynllun Gweithwyr Gartref Dall.

48.—(1) Unrhyw swm o gyfalaf y mae is-baragraff (2) yn gymwys iddo ac—

- (a) a weinyddir ar ran person gan yr Uchel Lys neu'r Llys Sirol o dan Reol 21.11(1) o Reolau Trefniadaeth Sifil 1998(3) neu gan y Llys Gwarchod;
- (b) na ellir ei waredu ac eithrio drwy orchymyn neu gyfarwyddyd unrhyw lys o'r fath; neu
- (c) pan fo'r person dan sylw o dan 18 mlwydd oed, na ellir ei waredu ac eithrio drwy orchymyn neu gyfarwyddyd, cyn bo'r person hwnnw'n cyrraedd 18 mlwydd oed.

(2) Mae'r is-baragraff hwn yn gymwys i swm o gyfalaf sy'n deillio o—

- (a) dyfarniad o iawndal am niwed personol i'r person hwnnw; neu
- (b) digollediad am farwolaeth un neu'r ddau riant pan fo'r person dan sylw o dan 18 mlwydd oed.

49. Unrhyw swm o gyfalaf a weinyddir ar ran person yn unol â gorchymyn a wneir o dan adran 13 o Ddeddf Plant (Yr Alban) 1995, neu o dan Reol 36.14 o Ddeddf Sesiwn (Rheolau Achosion Cyffredin Llysoedd Siryf) 1993(4) neu o dan Reol 128 o'r Rheolau hynny, pan fo'r cyfryw swm yn deillio o—

- (a) dyfarniad o iawndal am niwed personol i'r person hwnnw; neu
- (b) digollediad am farwolaeth un neu'r ddau riant pan fo'r person dan sylw o dan 18 mlwydd oed.

45. Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.

46. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944(1) to assist disabled persons to obtain or retain employment despite their disability.

47. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958(2) to homeworkers assisted under the Blind Homeworkers' Scheme.

48.—(1) Any sum of capital to which sub-paragraph (2) applies and—

- (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998(3) or by the Court of Protection;
- (b) which can only be disposed of by order or direction of any such court; or
- (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.

(2) This sub-paragraph applies to a sum of capital which is derived from—

- (a) an award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

49. Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Act of Sedurunt (Sheriff Court Ordinary Cause Rules) 1993(4) or under Rule 128 of those Rules, where such sum derives from—

- (a) award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

(1) 1944 p.10.

(2) 1958 p.33.

(3) O.S. 1998/3132.

(4) O.S. 1993/1956.

(1) 1944 c.10.

(2) 1958 c.33.

(3) S.I. 1998/3132.

(4) S.I. 1993/1956.

50. Unrhyw daliad a wneir i'r ceisydd fel deiliad Croes Fictoria neu Groes Siôr.

51. Yn achos person sy'n cael, neu sydd wedi cael, cymorth o dan y llwybr hunangyflogaeth, unrhyw swm o gyfalaf a gaffaelir gan y person hwnnw at y diben o sefydlu neu gyflawni'r gweithgaredd masnachol y ceir neu y cafwyd cymorth o'r fath mewn perthynas ag ef ond am gyfnod o 52 wythnos yn unig, o'r dyddiad y caffaelwyd y swm hwnnw.

52.—(1) Unrhyw daliad o ddyfarniad chwaraeon am gyfnod o 26 wythnos o'r dyddiad y cafwyd y taliad hwnnw ac eithrio i'r graddau y'i gwnaed mewn perthynas ag un neu ragor o'r eitemau a bennir yn is-baragraff (2).

(2) Yr eitemau a bennir at ddibenion is-baragraff (1) yw bwyd, dillad neu esgidiau cyffredin, tanwydd cartref neu rent y ceisydd neu, os yw'r ceisydd yn aelod o deulu, unrhyw aelod arall o deulu'r ceisydd, neu unrhyw dreth gyngor neu daliadau dŵr y mae'r ceisydd neu'r aelod hwnnw'n atebol amdanynt.

(3) At ddibenion is-baragraff (2) nid yw “bwyd” (“*food*”) yn cynnwys fitaminau, mwynau neu atchwanegiadau dietegol arbennig eraill a fwriedir ar gyfer gwella perfformiad y person yn y gamp y gwnaed y dyfarniad mewn perthynas â hi.

53.—(1) Unrhyw daliad—

- (a) ar ffurf lwfans cynhaliaeth addysg a wnaed yn unol ag—
 - (i) rheoliadau a wnaed o dan adran 518 o Ddeddf Addysg 1996(1);
 - (ii) rheoliadau a wnaed o dan adran 49 neu 73(f) o Ddeddf Addysg (Yr Alban) 1980(2);
 - (iii) cyfarwyddiadau a wnaed o dan adran 73ZA o Ddeddf Addysg (Yr Alban) 1980 ac a dalwyd o dan adran 12(2)(c) o Ddeddf Addysg Bellach ac Uwch (Yr Alban) 1992(3);
- (b) cyfatebol i lwfans cynhaliaeth addysg o'r fath, a wnaed yn unol ag—
 - (i) adran 14 neu adran 181 o Ddeddf Addysg 2002(4) (pŵer yr Ysgrifennydd Gwladol a Gweinidogion Cymru i roi cymorth ariannol at ddibenion sy'n ymwneud ag addysg neu ofal plant, a lwfansau mewn perthynas ag addysg neu hyfforddiant); neu

50. Any payment to the applicant as holder of the Victoria Cross or George Cross.

51. In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.

52.—(1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of the applicant's family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) “food” (“*bwyd*”) does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

53.—(1) Any payment—

- (a) by way of an education maintenance allowance made pursuant to—
 - (i) regulations made under section 518 of the Education Act 1996(1);
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980(2);
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992(3);
- (b) corresponding to such an education maintenance allowance, made pursuant to—
 - (i) section 14 or section 181 of the Education Act 2002(4) (power of Secretary of State and Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or

(1) 1996 p.56.
(2) 1980 p.44.
(3) 1992 p.37.
(4) 2002 p.32.

(1) 1996 c.56
(2) 1980 c.44.
(3) 1992 c.37.
(4) 2002 c.32.

(ii) rheoliadau a wnaed o dan adran 181 o'r Ddeddf honno; neu

(c) yng Nghymru a Lloegr, ar ffurf cymorth ariannol a roddir yn unol ag adran 14 o Ddeddf Addysg 2002.

(2) Unrhyw daliad, ac eithrio taliad y mae is-baragraff (1) yn gymwys iddo, a wnaed yn unol ag—

(a) rheoliadau a wnaed o dan adran 518 o Ddeddf Addysg 1996;

(b) rheoliadau a wnaed o dan adran 49 o Ddeddf Addysg (Yr Alban) 1980; neu

(c) cyfarwyddiadau a wnaed o dan adran 73ZA o Ddeddf Addysg (Yr Alban) 1980 ac a dalwyd o dan adran 12(2)(c) o Ddeddf Addysg Bellach ac Uwch (Yr Alban) 1992,

mewn perthynas â chwrs astudio a ddilynir gan blentyn neu berson ifanc neu berson sy'n cael lwfans cynhaliath addysg neu daliad arall a wnaed yn unol ag unrhyw ddarpariaeth a bennir yn is-baragraff (1).

54. Yn achos ceisydd sy'n cymryd rhan mewn rhaglen parth cyflogaeth, unrhyw daliad disgresiynol a wneir gan gcontractwr parth cyflogaeth i'r ceisydd, boed ar ffurf ffi, grant, benthyciad neu rywfodd arall, ond am gyfnod o 52 wythnos yn unig, o'r dyddiad y ceir y taliad.

55. Unrhyw ôl-daliad o lwfans cynhaliath a delir fel cyfandaliad, ond am gyfnod o 52 wythnos yn unig, o'r dyddiad y ceir y taliad.

56. Pan fo taliad *ex gratia* o £10,000 wedi ei wneud gan yr Ysgrifennydd Gwladol ar neu ar ôl 1 Chwefror 2001 o ganlyniad i garcharu neu gaethiwo—

(a) y ceisydd;

(b) partner y ceisydd;

(c) priod ymadawedig neu bartner sifil ymadawedig y ceisydd; neu

(d) priod ymadawedig neu bartner sifil ymadawedig partner y ceisydd,

gan y Japaneaid yn ystod yr Ail Ryfel Byd, £10,000.

57.—(1) Yn ddarostyngedig i is-baragraff (2), swm unrhyw daliad ymddiriedolaeth a wneir i geisydd neu aelod o deulu'r ceisydd sydd yn—

(a) person â diagnosis;

(b) partner i berson â diagnosis, neu'r person a oedd yn bartner i berson â diagnosis ar y dyddiad y bu farw'r person â diagnosis;

(c) rhiant person â diagnosis, person yn gweithredu yn lle rhieni'r person â diagnosis, neu berson a oedd yn gweithredu felly ar ddyddiad marwolaeth y person â diagnosis; neu

(ii) regulations made under section 181 of that Act; or

(c) in England and Wales, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—

(a) regulations made under section 518 of the Education Act 1996;

(b) regulations made under section 49 of the Education (Scotland) Act 1980; or

(c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

54. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

55. Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

56. Where an *ex-gratia* payment of £10,000 has been made by the Secretary of State on or after 1 February 2001 in consequence of the imprisonment or interment of—

(a) the applicant;

(b) the applicant's partner;

(c) the applicant's deceased spouse or deceased civil partner; or

(d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, £10,000.

57.—(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is—

(a) a diagnosed person;

(b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;

(c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or

- (d) aelod o deulu'r person â diagnosis (ac eithrio partner y person hwnnw) neu berson a oedd yn aelod o deulu'r person â diagnosis (ac eithrio partner y person hwnnw) ar ddyddiad marwolaeth y person â diagnosis.

(2) Pan wneir taliad ymddiriedolaeth i—

- (a) person y cyfeirir ato yn is-baragraff (1)(a) neu (b), bydd yr is-baragraff hwnnw'n gymwys am y cyfnod sy'n cychwyn ar y dyddiad y gwneir y taliad ymddiriedolaeth ac yn diweddu ar ddyddiad marwolaeth y person hwnnw;
- (b) person y cyfeirir ato yn is-baragraff (1)(c), bydd yr is-baragraff hwnnw'n gymwys am y cyfnod sy'n cychwyn ar y dyddiad y gwneir y taliad ymddiriedolaeth ac yn diweddu ddwy flynedd ar ôl y dyddiad hwnnw;
- (c) person y cyfeirir ato yn is-baragraff (1)(d), bydd yr is-baragraff hwnnw'n gymwys am y cyfnod sy'n cychwyn ar y dyddiad y gwneir y taliad ymddiriedolaeth ac yn diweddu—
 - (i) dwy flynedd ar ôl y dyddiad hwnnw; neu
 - (ii) ar y diwrnod cyn y diwrnod y bydd y person hwnnw—
 - (aa) yn peidio â chael addysg amser llawn; neu
 - (bb) yn cyrraedd 20 mlwydd oed,

pa un bynnag yw'r diweddaraf.

(3) Yn ddarostyngedig i is-baragraff (4), swm unrhyw daliad gan berson y gwnaed taliad ymddiriedolaeth iddo neu unrhyw daliad allan o ystad person y gwnaed taliad ymddiriedolaeth iddo, a wneir i geisydd neu aelod o deulu'r ceisydd sydd—

- (a) yn bartner y person â diagnosis neu'n berson a oedd yn bartner y person â diagnosis ar y dyddiad y bu farw'r person â diagnosis;
- (b) yn rhiant person â diagnosis, person yn gweithredu yn lle rhieni'r person â diagnosis, neu berson a oedd yn gweithredu felly ar ddyddiad marwolaeth y person â diagnosis; neu
- (c) yn aelod o deulu'r person â diagnosis (ac eithrio partner y person hwnnw) neu'n berson a oedd yn aelod o deulu'r person â diagnosis (ac eithrio partner y person hwnnw) ar y dyddiad y bu farw'r person â diagnosis,

ond i'r graddau, yn unig, na fydd taliadau o'r fath yn fwy na chyfanswm unrhyw daliadau ymddiriedolaeth a wnaed i'r person hwnnw.

(4) Pan wneir taliad o'r math y cyfeirir ato yn is-baragraff (3) i—

- (d) a member of the diagnosed person's family (other than that person's partner) or a person who was a member of the diagnosed person's family (other than that person's partner) at the date of the diagnosed person's death.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph is to apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph is to apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph is to apply for the period beginning on the date on which the trust payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,

whichever is the latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—

- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (c) a member of the diagnosed person's family (other than that person's partner) or a person who was a member of the diagnosed person's family (other than that person's partner) at the date of the diagnosed person's death,

but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

(4) Where a payment as referred to in sub-paragraph (3) is made to—

- (a) person y cyfeirir ato yn is-baragraff (3)(a), bydd yr is-baragraff hwnnw'n gymwys am y cyfnod sy'n cychwyn ar y dyddiad y gwneir y taliad hwnnw ac yn diweddu ar ddyddiad marwolaeth y person hwnnw;
- (b) person y cyfeirir ato yn is-baragraff (3)(b), bydd yr is-baragraff hwnnw'n gymwys am y cyfnod sy'n cychwyn ar y dyddiad y gwneir y taliad hwnnw ac yn diweddu ddwy flynedd ar ôl y dyddiad hwnnw; neu
- (c) person y cyfeirir ato yn is-baragraff (3)(c), bydd yr is-baragraff hwnnw'n gymwys am y cyfnod sy'n cychwyn ar y dyddiad y gwneir y taliad hwnnw ac yn diweddu—
 - (i) dwy flynedd ar ôl y dyddiad hwnnw; neu
 - (ii) ar y diwrnod cyn y diwrnod y bydd y person hwnnw—
 - (aa) yn peidio â chael addysg amser llawn; neu
 - (bb) yn cyrraedd 20 mlwydd oed,

pa un bynnag yw'r diweddaraf.

(5) Yn y paragraff hwn, mae cyfeiriad at berson—

- (a) sy'n bartner y person â diagnosis;
- (b) sy'n aelod o deulu'r person â diagnosis;
- (c) yn gweithredu yn lle rhieni'r person â diagnosis,

ar ddyddiad marwolaeth y person â diagnosis yn cynnwys person a fyddai wedi bod yn berson o'r fath neu'n berson a fyddai'n gweithredu felly, pe na bai'r person â diagnosis yn preswyllo mewn cartref gofal, cartref Abbeyfield neu ysbyty annibynnol ar y dyddiad hwnnw.

(6) In y paragraff hwn—

ystyr "person â diagnosis" ("*diagnosed person*") yw person y gwnaed diagnosis ei fod yn dioddef o glefyd amrywiolyn Creutzfeldt-Jakob, neu y gwnaed diagnosis ar ôl marwolaeth y person hwnnw ei fod wedi dioddef o'r clefyd hwnnw;

ystyr "ymddiriedolaeth berthnasol" ("*relevant trust*") yw ymddiriedolaeth a sefydlwyd gyda chyllid a ddarparwyd gan yr Ysgrifennydd Gwladol mewn perthynas â phersonau a oedd yn dioddef, neu sydd yn dioddef, o glefyd amrywiolyn Creutzfeldt-Jakob, er budd personau sy'n gymwys i gael taliadau yn unol â'i darpariaethau;

ystyr "taliad ymddiriedolaeth" ("*trust payment*") yw taliad o dan ymddiriedolaeth berthnasol.

58. Swm unrhyw daliad, ac eithrio pensiwn rhyfel, a wneir i ddigolledu oherwydd bod y ceisydd, partner y ceisydd, priod ymadawedig neu bartner sifil

- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph is to apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph is to apply for the period beginning on the date on which that payment is made and ending two years after that date; or
- (c) person referred to in sub-paragraph (3)(c), that sub-paragraph is to apply for the period beginning on the date on which that payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,

whichever is the latest.

(5) In this paragraph, a reference to a person—

- (a) being the diagnosed person's partner;
- (b) being a member of a diagnosed person's family;
- (c) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death is to include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.

(6) In this paragraph—

"diagnosed person" ("*person â diagnosis*") means a person who has been diagnosed as suffering from, or who, after that person's death, has been diagnosed as having suffered from, variant Creutzfeld-Jakob disease;

"relevant trust" ("*ymddiriedolaeth berthnasol*") means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

"trust payment" ("*taliad ymddiriedolaeth*") means a payment under a relevant trust.

58. The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse

ymadawedig y ceisydd neu briod ymadawedig neu bartner sifil ymadawedig partner y ceisydd—

- (a) wedi bod yn gaeth lafurwr neu'n llafurwr dan orfodaeth;
- (b) wedi dioddef colled eiddo neu wedi dioddef niwed personol; neu
- (c) yn rhiant plentyn a fu farw,
- (d) yn ystod yr Ail Ryfel Byd.

59. Unrhyw daliad a wneir gan awdurdod lleol neu gan Weinidogion Cymru, i neu ar ran y ceisydd neu bartner y ceisydd mewn perthynas â gwasanaeth a ddarperir i ddatblygu neu gynnal gallu'r ceisydd neu bartner y ceisydd i fyw'n annibynnol yn llety'r ceisydd.

60. Unrhyw daliad a wneir o dan reoliadau a wnaed o dan adran 57 o Ddeddf Iechyd a Gofal Cymdeithasol 2001(1), neu o dan adran 12B o Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968(2), neu o dan adrannau 12A i 12D o Ddeddf y Gwasanaeth Iechyd Gwladol 2006(3) (taliadau uniongyrchol am ofal iechyd).

61. Unrhyw daliad a wneir i'r ceisydd yn unol â rheoliadau o dan adran 2(6)(b), 3 neu 4 o Ddeddf Mabwysiad a Phlant 2002(4).

62. Unrhyw daliad a wneir i'r ceisydd yn unol â rheoliadau a wnaed yn unol ag adran 14F o Ddeddf Plant 1989 (gwasanaethau cymorth gwarcheidiaeth arbennig).

or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner—

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died,
- (d) during the Second World War.

59. Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or the applicant's partner relating to a service which is provided to develop or sustain the capacity of the applicant or the applicant's partner to live independently in the applicant's accommodation.

60. Any payment made under regulations made under section 57 of the Health and Social Care Act 2001(1), or section 12B of the Social Work (Scotland) Act 1968(2), or under sections 12A to 12D of the National Health Service Act 2006(3) (direct payments for health care).

61. Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002(4).

62. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

ATODLEN 10

Materion sydd i'w cynnwys mewn hysbysiad

RHAN 1

Cyffredinol

1. Y materion y mae'n rhaid eu cynnwys mewn unrhyw hysbysiad a ddyroddir gan yr awdurdod yn unol â pharagraff 115 o'r cynllun hwn (hysbysu penderfyniad), yw'r materion a bennir yn narpariaethau canlynol yr Atodlen hon.

2. Rhaid i bob hysbysiad gynnwys datganiad ynglŷn â hawl unrhyw berson, yr effeithir arno gan y penderfyniad, i ofyn am ddatganiad ysgrifenedig o dan baragraff 115(5) o'r cynllun hwn (ceisiadau am ddatganiad o resymau), ac o'r modd a'r amser y ceir gwneud hynny.

(1) 2001 p.15.
(2) 1968 p.49.
(3) 2006 p.41.
(4) 2002 p.38.

SCHEDULE 10

Matters to be included in a notification

PART 1

General

1. The statement of matters to be included in any notification issued by the authority in accordance with paragraph 115 of this scheme (notification of decision) are the matters set out in the following provisions of this Schedule.

2. Every notification must include a statement as to the right of any person affected by the decision to request a written statement under paragraph 115(5) of this scheme (requests for statement of reasons), and the manner and time in which to do so.

(1) 2001 c.15.
(2) 1968 c.49.
(3) 2006 c.41.
(4) 2002 c.38.

3. Rhaid i bob hysbysiad gynnwys datganiad ynglŷn â hawl unrhyw berson, yr effeithir arno gan y penderfyniad, i apelio yn erbyn y penderfyniad yn unol â pharagraffau 8 a 10 o Atodlen 1 i'r cynllun hwn (gweithdrefn y caiff person ei dilyn i apelio yn erbyn penderfyniadau penodol yr awdurdod), ac o'r modd a'r amser y ceir gwneud hynny.

RHAN 2

Dyfarniadau o ostyngiadau pan fo credyd pensiwn y wladwriaeth neu ostyngiad estynedig (budd-daliadau cyfrannol cymwys) yn daladwy: pensiynewyr

4.—(1) Pan ddyfernir gostyngiad o dan y cynllun hwn i bensiynwr sy'n cael credyd pensiwn y wladwriaeth, rhaid i'r hysbysiad gynnwys datganiad ynglŷn â'r canlynol—

- (a) y swm wythnosol arferol o dreth gyngor y byddai'r person yn atebol i'w dalu cyn dyfarnu unrhyw ostyngiad o dan y cynllun hwn, wedi ei dalgrynnu i'r geiniog agosaf;
- (b) yr uchafswm gostyngiad wythnosol y gallai person fod â hawl i'w gael o dan y cynllun hwn, wedi ei dalgrynnu i'r geiniog agosaf;
- (c) swm wythnosol arferol y gostyngiad y penderfynodd yr awdurdod fod hawl gan y person i'w gael o dan y cynllun hwn, wedi ei dalgrynnu i'r geiniog agosaf;
- (d) swm a chategori unrhyw ddi-dyniadau annibynyddion a wnaed o dan baragraff 30 o'r cynllun hwn (cyfrifo incwm a chyfalaf: teulu'r ceisydd a phriodasau amlbriod), os oes rhai; ac
- (e) y diwrnod cyntaf y bydd hawl gan y person i gael gostyngiad o dan y cynllun hwn,

ac mewn unrhyw achos pan fo'r swm y cyfeirir ato ym mharagraffau (a) i (c) yn diystyru ffracsionau o geiniog, rhaid i'r hysbysiad gynnwys datganiad i'r perwyl hwnnw.

(2) Mewn achos pan fo gan bensiynwr, sy'n cael credyd pensiwn y wladwriaeth, hawlogaeth yn unig i gael y credyd cynilion, rhaid i'r hysbysiad nodi hefyd y materion canlynol—

- (a) swm cymwysadwy'r person a sail y cyfrifiad;
- (b) swm y credyd cynilion a gymerwyd i ystyriaeth;
- (c) swm incwm a chyfalaf y person, fel yr hysbyswyd yr awdurdod ohonynt gan yr Ysgrifennydd Gwladol ac y'u cymerwyd i ystyriaeth at ddibenion penderfynu'r gostyngiad o dan y cynllun hwn;

3. Every notification must include a statement as to the right of any person affected by the decision to appeal against the decision in accordance with paragraphs 8 and 10 of Schedule 1 to this scheme (procedure by which a person may make an appeal against certain decisions of the authority), and the manner and time in which to do so.

PART 2

Awards of reductions where state pension credit or extended payment (qualifying contributory benefits) is payable: pensioners

4.—(1) Where a pensioner who is in receipt of state pension credit is awarded a reduction under this scheme, the notification must include a statement as to—

- (a) the normal weekly amount of council tax the person would be liable to pay before any reduction is awarded under this scheme, rounded to the nearest penny;
- (b) the maximum weekly amount of reduction the person could be entitled to under this scheme, rounded to the nearest penny;
- (c) the normal weekly amount of reduction the authority has determined the person is entitled to under this scheme, rounded to the nearest penny;
- (d) the amount and category of any non-dependant deductions made under paragraph 30 (calculation of income and capital: applicant's family and polygamous marriages) of this scheme, if any; and
- (e) the first day that the person is entitled to a reduction under this scheme,

and in any case where the amount to which paragraphs (a) to (c) refers disregards fractions of a penny, the notice must include a statement to that effect.

(2) In a case where a pensioner who is in receipt of state pension credit has entitlement only to the savings credit, the notification must also set out the following matters—

- (a) the person's applicable amount and the basis of the calculation;
- (b) the amount of the savings credit taken into account;
- (c) the amount of the person's income and capital as notified to the authority by the Secretary of State and taken into account for the purposes of the determination of the reduction under this scheme;

- (d) unrhyw addasiad a wnaed i incwm neu gyfalaf y person yn unol â pharagraff 33 o'r cynllun hwn (cyfrifo incwm pensiynwr mewn achosion credyd cynilion yn unig); ac
- (e) swm cyfalaf y person os yw paragraff 33(4) yn gymwys yn achos y person hwnnw.

(3) Pan fo hawl gan bensiynwr i gael gostyngiad estynedig (budd-daliadau cyfrannol cymwys) yn unol â pharagraff 86 (gostyngiad estynedig (budd-daliadau cyfrannol cymwys): pensiynwyr) o'r cynllun hwn, rhaid i'r hysbysiad gynnwys datganiad ynglŷn â'r materion a bennir ym mharagraff 4(1).

RHAN 3

Dyfarniadau o ostyngiadau pan na thelir credyd pensiwn y wladwriaeth: pensiynwyr

5. Pan ddyfermir gostyngiad o dan y cynllun hwn i bensiynwr nad yw'n cael credyd pensiwn y wladwriaeth, rhaid i'r hysbysiad gynnwys datganiad ynglŷn â'r canlynol—

- (a) y materion a bennir ym mharagraff 4(1);
- (b) swm cymwysadwy'r pensiynwr a'r modd y'i cyfrifwyd;
- (c) enillion wythnosol y pensiynwr; a
- (d) incwm ac enillion eraill y pensiynwr.

RHAN 4

Hysbysiad pan na wneir dyfarniad o ostyngiad: pensiynwyr

6. Os na ddyfermir gostyngiad i bensiynwr o dan y cynllun hwn—

- (a) ar sail incwm, rhaid i'r hysbysiad gynnwys datganiad ynglŷn â'r canlynol—
 - (i) y materion a bennir ym mharagraff 4(1)(a), a
 - (ii) y materion a bennir ym mharagraff 5(b) i (d) pan nad yw'r pensiynwr yn cael credyd pensiwn y wladwriaeth;
- (b) am unrhyw reswm arall, rhaid i'r hysbysiad gynnwys datganiad o'r rheswm pam na wnaed dyfarniad.

- (d) any modification of the person's income or capital made in accordance with paragraph 33 of this scheme (calculation of pensioner's income in savings credit only cases); and
- (e) the amount of the person's capital if paragraph 33(4) applies in that person's case.

(3) Where a pensioner is entitled to an extended payment (qualifying contributory benefits) in accordance with paragraph 86 (extended reduction (qualifying contributory benefits): pensioners) of this scheme, the notification must include a statement as to the matters set out in paragraph 4(1).

PART 3

Awards of reductions where state pension credit not in payment: pensioners

5. Where a pensioner who is not in receipt of state pension credit is awarded a reduction under this scheme, the notification must include a statement as to—

- (a) the matters set out in paragraph 4(1);
- (b) the pensioner's applicable amount and how it is calculated;
- (c) the pensioner's weekly earnings; and
- (d) the pensioner's income and other earnings.

PART 4

Notification where no award of a reduction is made: pensioners

6. Where a pensioner is not awarded a reduction under this scheme—

- (a) on the ground of income, the notification must include a statement as to—
 - (i) the matters set out in paragraph 4(1)(a), and
 - (ii) the matters set out in paragraph 5(b) to (d) where the pensioner is not on state pension credit;
- (b) for any other reason, the notification must include a statement as to the reason why no award has been made.

RHAN 5

Dyfarniadau o ostyngiadau pan fo cymhorthdal incwm, lwfans ceisio gwaith ar sail incwm, lwfans cyflogaeth a chymorth ar sail incwm, gostyngiad estynedig neu ostyngiad estynedig (budd-daliadau cyfrannol cymwys) yn daladwy: personau nad ydynt yn bensiynwyr

7.—(1) Pan fo person nad yw'n bensiynwr ac sy'n cael cymhorthdal incwm, lwfans ceisio gwaith ar sail incwm neu lwfans cyflogaeth a chymorth ar sail incwm yn cael dyfarniad o ostyngiad o dan y cynllun hwn, rhaid i'r hysbysiad gynnwys datganiad ynglŷn â'r canlynol—

- (a) y swm wythnosol arferol o dreth gyngor y byddai'r person yn atebol i'w dalu cyn dyfarnu unrhyw ostyngiad o dan y cynllun hwn, wedi ei dalgrynnu i'r geiniog agosaf;
- (b) yr uchafswm gostyngiad wythnosol y gallai person fod â hawl i'w gael o dan y cynllun hwn, wedi ei dalgrynnu i'r geiniog agosaf;
- (c) swm wythnosol arferol y gostyngiad y penderfynodd yr awdurdod fod hawl gan y person i'w gael o dan y cynllun hwn, wedi ei dalgrynnu i'r geiniog agosaf;
- (d) swm a chategori unrhyw ddiidyniadau annibynyddion, os oes rhai, a wnaed o dan baragraff 30 (cyfrifo incwm a chyfalaf: teulu'r ceisydd a phriodasau amlbriod) o'r cynllun hwn; ac
- (e) y diwrnod cyntaf y bydd hawl gan y person i gael gostyngiad o dan y cynllun hwn,
- (f) ac mewn unrhyw achos pan fo'r swm y cyfeirir ato ym mharagraffau (a) i (c) yn diystyru ffracsiynau o geiniog, rhaid i'r hysbysiad gynnwys datganiad i'r perwyl hwnnw.

(2) Pan fo hawl gan berson nad yw'n bensiynwr i gael gostyngiad estynedig yn unol â pharagraff 93 o'r cynllun hwn (gostyngiadau estynedig: personau nad ydynt yn bensiynwyr) neu ostyngiad estynedig (budd-daliadau cyfrannol cymwys) yn unol â pharagraff 98 o'r cynllun hwn (gostyngiadau estynedig (budd-daliadau cyfrannol cymwys): personau nad ydynt yn bensiynwyr), rhaid i'r hysbysiad gynnwys datganiad ynglŷn â'r materion a bennir ym mharagraff 7(1).

PART 5

Awards of reductions where income support, income-based jobseeker's allowance, income-related employment and support allowance, an extended payment or an extended payment (qualifying contributory benefits) is payable: persons who are not pensioners

7.—(1) Where a person who is not a pensioner and who is on income support, an income-based jobseeker's allowance, or an income-related employment and support allowance is awarded a reduction under this scheme, the notification must include a statement as to—

- (a) the normal weekly amount of council tax the person would be liable to pay before any reduction is awarded under this scheme, rounded to the nearest penny;
- (b) the maximum weekly amount of reduction the person could be entitled to under this scheme, rounded to the nearest penny;
- (c) the normal weekly amount of reduction the authority has determined the person is entitled to under this scheme, rounded to the nearest penny;
- (d) the amount and category of any non dependant deductions made under paragraph 30 (calculation of income and capital: applicant's family and polygamous marriages) of this scheme, if any; and
- (e) the first day that the person is entitled to a reduction under this scheme,
- (f) and in any case where the amount to which paragraphs (a) to (c) refers disregards fractions of a penny, the notice must include a statement to that effect.

(2) Where a person who is not a pensioner is entitled to an extended payment in accordance with paragraph 93 of this scheme (extended reductions: persons who are not pensioners), or an extended payment (qualifying contributory benefits) in accordance with paragraph 98 of this scheme (extended reductions (qualifying contributory benefits): persons who are not pensioners), the notification must include a statement as to the matters set out in paragraph 7(1).

RHAN 6

Dyfarniadau o ostyngiad pan fo credyd cynhwysol yn daladwy: personau nad ydynt yn bensiynwyr

8. Pan ddyfernir gostyngiad o dan y cynllun hwn i berson sydd â dyfarniad o greddy cynhwysol ac nad yw'n bensiynwr, rhaid i'r hysbysiad gynnwys datganiad ynglŷn â'r canlynol—

- (a) y materion a bennir ym mharagraff 7(1);
- (b) swm cymwysadwy'r person fel y'i penderfynwyd yn unol â pharagraff 26 o'r cynllun hwn (swm cymwysadwy: personau nad ydynt yn bensiynwyr, sydd â dyfarniad o greddy cynhwysol); ac
- (c) incwm y person fel y'i penderfynwyd yn unol â pharagraff 34 o'r cynllun hwn (cyfrifo incwm a chyfalaf: personau nad ydynt yn bensiynwyr sydd â dyfarniad o greddy cynhwysol).

RHAN 7

Dyfarniadau o ostyngiad pan nad oes cymhorthdal incwm, lwfans ceisio gwaith ar sail incwm, lwfans cyflogaeth a chymorth ar sail incwm na chredyd cynhwysol yn daladwy: personau nad ydynt yn bensiynwyr

9. Pan ddyfernir gostyngiad o dan y cynllun hwn i berson nad yw'n bensiynwr ac nad yw'n cael cymhorthdal incwm, lwfans ceisio gwaith ar sail incwm, lwfans cyflogaeth a chymorth ar sail incwm na chredyd cynhwysol, rhaid i'r hysbysiad gynnwys datganiad ynglŷn â'r canlynol—

- (a) y materion a bennir ym mharagraff 7(1);
- (b) swm cymwysadwy'r person a'r modd y'i cyfrifwyd;
- (c) enillion wythnosol y person; ac
- (d) incwm wythnosol y person ac eithrio enillion.

RHAN 8

Hysbysiad pan na roddir dyfarniad o ostyngiad: personau nad ydynt yn bensiynwyr

10. Pan na ddyfernir gostyngiad o dan y cynllun hwn i berson nad yw'n bensiynwr—

- (a) ar sail incwm, rhaid i'r hysbysiad gynnwys datganiad ynglŷn â'r canlynol—

PART 6

Awards of reduction where universal credit is payable: persons who are not pensioners

8. Where a person who is not a pensioner and who has an award of universal credit is awarded a reduction under this scheme, the notification must include a statement as to—

- (a) the matters set out in paragraph 7(1);
- (b) the person's applicable amount as determined in accordance with paragraph 26 of this scheme (applicable amount: persons who are not pensioners who have an award of universal credit); and
- (c) the person's income as determined in accordance with paragraph 34 of this scheme (calculation of income and capital: persons who are not pensioners who have an award of universal credit).

PART 7

Awards of reduction where no income support, income-based jobseeker's allowance, income-related employment and support allowance or universal credit is payable: persons who are not pensioners

9. Where a person who is not a pensioner and who is not on income support, income-based jobseeker's allowance, income-related employment and support allowance or universal credit is awarded a reduction under this scheme, the notification must include a statement as to—

- (a) the matters set out in paragraph 7(1);
- (b) the person's applicable amount and how it is calculated;
- (c) the person's weekly earnings; and
- (d) the person's weekly income other than earnings.

PART 8

Notification where no award of a reduction is made: persons who are not pensioners

10. Where a person who is not a pensioner is not awarded a reduction under this scheme—

- (a) on the ground of income, the notification must include a statement as to—

- (i) y materion a bennir ym mharagraff 7(1)(a); a
 - (ii) y materion a bennir ym mharagraff 8(b) ac (c) pan nad yw'r person yn cael cymhorthdal incwm, lwfans ceisio gwaith ar sail incwm, lwfans cyflogaeth a chymorth ar sail incwm na chredyd cynhwysol;
- (b) am unrhyw reswm arall, rhaid i'r hysbysiad gynnwys datganiad o'r rheswm pam na wnaed dyfarniad.

- (i) the matters set out in paragraph 7(1)(a); and
 - (ii) the matters set out in paragraph 8(b) and (c) where the person is not on income support, an income-based jobseeker's allowance, an income-related employment and support allowance, or universal credit;
- (b) for any other reason, the notification must include a statement as to the reason why no award has been made.

RHAN 9

Hysbysiad pan drinnir incwm annibynnydd fel pe bai'n incwm y ceisydd: pensiywyr a phersonau nad ydynt yn bensiywyr

11. Pan fo awdurdod yn gwneud penderfyniad o dan baragraff 31 o'r cynllun hwn (amgylchiadau pan fo cyfalaf ac incwm annibynnydd i gael eu trin fel eiddo i'r ceisydd), rhaid i'r hysbysiad gynnwys datganiad o'r canlynol—

- (a) y ffaith bod y penderfyniad wedi ei wneud drwy gyfeirio at incwm a chyfalaf annibynnydd y ceisydd, a
- (b) rheswm yr awdurdod dros wneud y penderfyniad hwnnw.

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PART 9

Notification where income of non-dependant is treated as applicant's income: pensioners and persons who are not pensioners

11. Where the authority makes a decision under paragraph 31 of this scheme (circumstances in which capital and income of non-dependant is to be treated as applicant's) the notification must contain a statement as to—

- (a) the fact that a decision has been made by reference to the income and capital of the applicant's non-dependant, and
- (b) the authority's reason for making that decision.

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