



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

**OFFERYNNAU STATUDOL**

**STATUTORY INSTRUMENTS**

**2003 Rhif 2530 (Cy.245)**

**2003 No. 2530 (W.245)**

**GWASANAETHAU CYMORTH  
GWLADOL, CYMRU**

**NATIONAL ASSISTANCE  
SERVICES, WALES**

**Rheoliadau Cymorth Gwladol  
(Asesu Adnoddau)  
(Diwygiad Rhif 2) (Cymru)  
2003**

**The National Assistance  
(Assessment of  
Resources)(Amendment No.  
2)(Wales) Regulations 2003**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Regulations)*

Mae'r Rheoliadau hyn yn gwneud diwygiadau pellach i Reoliadau Cymorth Gwladol (Asesu Adnoddau) 1992 ("y Prif Reoliadau"). Mae'r Prif Reoliadau yn gosod y sail y caiff awdurdodau lleol asesu gallu personau y maent yn trefnu llety ar eu cyfer i dalu o dan ran 3 o Ddeddf Cymorth Gwladol 1948.

These regulations make further amendments to the National Assistance (Assessment of Resources) Regulations 1992 ("the Principal Regulations"). The Principal Regulations set out the basis on which local authorities assess the ability to pay of persons for whom they arrange accommodation under part 3 of the National Assistance Act 1948.

Yn ogystal â diwygiadau i ganiatáu i breswylwyr fanteisio ar eu hawl i'r elfen Credyd Cynilion Credyd Pensiwn, maent hefyd yn gwneud nifer o ddiwygiadau amrywiol.

As well as amendments to allow residents to benefit from their entitlement to the Savings Credit element of Pension Credit, they make a number of other miscellaneous changes.

Mae Rheoliad 2 yn mewnosod dau ddiffiniad newydd mewn perthynas â Chredyd Pensiwn ac yn diweddar diffiniad arall yn y Prif Reoliadau.

Regulation 2 inserts two new definitions in relation to Pension Credit and updates another definition in the Principal Regulations.

Mae Rheoliad 3 yn darparu i daliadau a wneir yn unol â rheoliadau a wnaed o dan baragraff 3 o Atodlen 4 i Ddeddf Mabwysiadu a Phlant 2002 gael eu diystyru fel incwm. Mae hefyd yn darparu i hyd at £4.50 (neu £6.75 i gwpl) i unrhyw greyd cynilion gael eu diystyru pan fydd gan unigolyn incwm cymhwysol nad yw'n fwy na lleiafswm y warrant safonol. Pan fydd gan unigolyn incwm cymhwysol sy'n fwy na lleiafswm y warrant safonol mae diystyriaeth safonol o £4.50 (£6.75 i gyplau).

Regulation 3 provides for payments made in accordance with regulations made under paragraph 3 of Schedule 4 to the Adoption and Children Act 2002 to be disregarded as income. It also provides for up to £4.50 (or £6.75 for a couple) of any savings credit to be disregarded where an individual has qualifying income not exceeding the standard minimum guarantee. Where an individual has qualifying income above the standard minimum guarantee there is a standard disregard of £4.50 (£6.75 for couples).

Mae Rheoliad 4 yn darparu i daliadau a wneir yn unol â rheoliadau a wnaed o dan baragraff 3 o Atodlen 4 i Ddeddf Mabwysiadu a Phlant 2002 gael eu diystyru fel cyfalaf.

Regulation 4 provides for payments made in accordance with regulations made under paragraph 3 of Schedule 4 to the Adoption and Children Act 2002 to be disregarded as capital.

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The National Assistance  
(Assessment of  
Resources)(Amendment No.  
2)(Wales) Regulations 2003

*Wedi'u gwneud* 1 Hydref 2003  
*Yn dod i rym* 6 Hydref 2003

*Made* 1st October 2003  
*Coming into force* 6th October 2003

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 22(5) o Ddeddf Cymorth Gwladol 1948(a) ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(b):

The National Assembly for Wales makes the following regulations in exercise of the powers conferred upon the Secretary of State by section 22(5) of the National Assistance Act 1948(a) and now vested in the National Assembly for Wales(b):

**Enwi, cychwyn, dehongli a chymhwys****Citation, commencement, interpretation and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygiad Rhif 2) (Cymru) 2003 a deuant i rym ar 6 Hydref 2003.

1.-(1) These Regulations may be cited as the National Assistance (Assessment of Resources)(Amendment No. 2) (Wales) Regulations 2003 and come into force on 6th October 2003.

(2) Yn y Rheoliadau hyn, ystyr "y Prif Reoliadau" (*"the principal Regulations"*) yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992(c).

(2) In these Regulations "the Principal Regulations" (*"y prif Reoliadau"*) means the National Assistance (Assessment of Resources) Regulations 1992(c).

(3) Bydd y Rheoliadau hyn yn gymwys i Gymru yn unig.

(3) These Regulations apply to Wales only.

- (a) 1948 p.29; diwygiwyd adran 22(5) o Ddeddf Cymorth Gwladol 1948 gan adran 39(1) o Ddeddf y Weinyddiaeth Nawdd Cymdeithasol 1966 (p.20) a pharagraff 6 o Atodlen 6 iddi, gan adran 35(2) o Ddeddf Budd-daliadau Atodol 1976 (p.71) a pharagraff 3(b) o Atodlen 7 iddi, gan adran 20 o Ddeddf Nawdd Cymdeithasol 1980 (p.30) a pharagraff 2 o Atodlen 4 iddi a chan gan adran 6 o Ddeddf Nawdd Cymdeithasol 1986 (p.50) a pharagraff 32 o Atodlen 10 iddi.
- (b) Cafodd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 22(5) o Ddeddf Cymorth Gwladol 1948 eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).
- (c) O.S. 1992/2977; yr offerynnau diwygio perthnasol yw O.S. 1996/602 ac O.S. 2002/814 (Cy.94).

- (a) 1948 c.29; section 22(5) of the National Assistance Act 1948 was amended by section 39(1) of and paragraph 6 of Schedule 6 to the Ministry of Social Security Act 1966 (c.20), by section 35(2) of and paragraph 3(b) of Schedule 7 to the Supplementary Benefits Act 1976 (c.71), by section 20 of and paragraph 2 of Schedule 4 to the Social Security Act 1980 (c.30), and by section 6 of and paragraph 32 of Schedule 10 to the Social Security Act 1986 (c.50).
- (b) The functions of the Secretary of State under section 22(5) of the National Assistance Act 1948 were transferred to the National Assembly for Wales by the National Assembly of Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
- (c) S.I. 1992/2977; relevant amending instruments are S.I. 1996/602 and S.I. 2002/814 (W.94).

## Diwygio Rheoliad 2 o'r Prif Reoliadau - Dehongli

2. Ym mharagraff (1) o reoliad 2 o'r Prif Reoliadau (dehongli) -

(a) mewnosoder y diffiniadau canlynol yn ôl trefn yr wyddor-

""the Pension Credit Regulations" means the State Pension Credit Regulations 2002(a)"

""savings credit" means a savings credit under the State Pension Credit Act 2002(b)"

(b) yn lle'r diffiniad o "less dependent resident" rhodder-

"" less dependent resident" means a resident who is in, or for whom accommodation is proposed to be provided in, premises which are not an establishment which is carried on or managed by a person who is registered under Part II of the Care Standards Act 2000(c);".

## Diwygio Atodlen 3 i'r Prif Reoliadau - Diystyru Incwm

3. Yn Atodlen 3 i'r Prif Reoliadau (symiau i'w diystyried wrth gyfrifo incwm heblaw enillion)

(a) ym mharagraff 17-

(i) yn is-baragraff (a), ar ôl "(permitted allowances)" rhodder "or paragraph 3 of Schedule 4 to the Adoption and Children Act 2002(ch)"

(ii) ar y diwedd ychwaneger yr is-baragraff canlynol-

"(2) Any payment other than a payment to which to which sub-paragraph (1)(a) applies, made to the resident in accordance with regulations made under paragraph 3 of Schedule 4 to the Adoption and Children Act 2002.";

(b) Ar ôl paragraff 28G mewnosoder y paragraffau canlynol-

### "Pension Credit

**28H.**-(1) Where a resident is in receipt of savings credit as a person who has no partner and has qualifying income not exceeding the standard minimum guarantee-

(a) the amount of that savings credit where the amount received is £4.50 or less; or

(b) £4.50 of that savings credit where the amount received is greater than £4.50.

(2) Where a resident-

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(a) O.S. 2002/ 1792.

(b) 2002 p.16, *gweler* adran 1(3)(b) ac adran 3.

(c) 2000 p.14.

(ch)2002 p.38.

## Amendment of Regulation 2 of the Principal Regulations - Interpretation

2. In paragraph (1) of regulation 2 of the Principal Regulations (interpretation) -

(a) insert the following definitions in the appropriate alphabetical sequence-

""the Pension Credit Regulations" means the State Pension Credit Regulations 2002(a)"

""savings credit" means a savings credit under the State Pension Credit Act 2002(b)"

(b) for the definition of "less dependent resident" substitute-

"" less dependent resident" means a resident who is in, or for whom accommodation is proposed to be provided in, premises which are not an establishment which is carried on or managed by a person who is registered under Part II of the Care Standards Act 2000(c);".

## Amendment of Schedule 3 of the principal Regulations - Income disregards

3. In Schedule 3 of the Principal Regulations (sums to be disregarded in the calculation of income other than earnings)

(a) in paragraph 17-

(i) in sub-paragraph (a), after "(permitted allowances)" insert "or paragraph 3 of Schedule 4 to the Adoption and Children Act 2002(d)"

(ii) at the end add the following sub-paragraph-

"(2) Any payment other than a payment to which sub-paragraph (1)(a) applies, made to the resident in accordance with regulations made under paragraph 3 of Schedule 4 to the Adoption and Children Act 2002.";

(b) After paragraph 28G insert the following paragraphs-

### "Pension Credit

**28H.**-(1) Where a resident is in receipt of savings credit as a person who has no partner and has qualifying income not exceeding the standard minimum guarantee-

(a) the amount of that savings credit where the amount received is £4.50 or less; or

(b) £4.50 of that savings credit where the amount received is greater than £4.50.

(2) Where a resident-

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(a) S.I. 2002/ 1792.

(b) 2002 c.16, *see* section 1(3)(b) and section 3.

(c) 2000 c.14.

(d) 2002 c.38.

- (a) has no partner;
- (b) has attained the age of 65; and
- (c) has qualifying income in excess of the standard minimum guarantee, £4.50 of that qualifying income.
- (3) Where a resident is in receipt of savings credit as a person who has a partner and has qualifying income not exceeding the standard minimum guarantee-
  - (a) the amount of that savings credit where the amount received is £6.75 or less; or
  - (b) £6.75 of that savings credit where the amount received is greater than £6.75.
- (4) Subject to paragraph (5) where a resident-
  - (a) has a partner;
  - (b) has-
    - (i) attained the age of 65; or
    - (ii) has attained the qualifying age and his partner has attained the age of 65; and
  - (c) has qualifying income in excess of the standard minimum guarantee,

a sum of £6.75.

(5) Where the sum referred to in sub-paragraph (4) has been disregarded in the assessment of the resident's partner's income under these Regulations, sub-paragraph (4) does not apply to the resident.

- (6) For the purposes of this paragraph-
  - (a) a resident has a partner if he would be considered to have a partner for the purposes of the Pension Credit Regulations(a).
  - (b) "qualifying age" has the same meaning as in section 1(6) of the State Pension Credit Act 2002(b);
  - (c) "qualifying income" shall be construed in accordance with regulation 9 of the Pension Credit Regulations and for the purposes of sub-paragraphs (3) and (4) the resident's qualifying income shall include any qualifying income of his partner.

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(a) O.S. 2002/1792 ("Rheoliadau 2002"). Yn Rheoliadau 2002 cyfeirir at ddau aelod o gwpl priod neu ddi-briod fel "partners" (*gweler rheoliad 1(3)*). Diffinnir ymadroddion "married couple" ac "unmarried couple", at ddibenion Rheoliadau 2002, yn adran 17 o Ddeddf Credyd Pensiwn Gwladol 2002 (p.16). Ystyr "married couple" yw dyn a menyw sy'n briod â'i gilydd ac yn byw ar yr un aelwyd. Mae Rheoliad 5 o Reoliadau 2002 yn nodi'r amgylchiadau pan ymdrinnir â chwpl sy'n briod fel rhai nad ydynt yn aelodau o'r un aelwyd. Ystyr "unmarried couple" yw dyn a menyw nad ydynt yn briod â'i gilydd ond sy'n byw gyda'i gilydd fel gŵr a gwraig heblaw mewn amgylchiadau a ragnodir.

(b) 2002 p. 16.

- (a) has no partner;
- (b) has attained the age of 65; and
- (c) has qualifying income in excess of the standard minimum guarantee, £4.50 of that qualifying income.
- (3) Where a resident is in receipt of savings credit as a person who has a partner and has qualifying income not exceeding the standard minimum guarantee-
  - (a) the amount of that savings credit where the amount received is £6.75 or less; or
  - (b) £6.75 of that savings credit where the amount received is greater than £6.75.
- (4) Subject to paragraph (5) where a resident-
  - (a) has a partner;
  - (b) has-
    - (i) attained the age of 65; or
    - (ii) has attained the qualifying age and his partner has attained the age of 65; and
  - (c) has qualifying income in excess of the standard minimum guarantee,

a sum of £6.75.

(5) Where the sum referred to in sub-paragraph (4) has been disregarded in the assessment of the resident's partner's income under these Regulations, sub-paragraph (4) does not apply to the resident.

- (6) For the purposes of this paragraph-
  - (a) a resident has a partner if he would be considered to have a partner for the purposes of the Pension Credit Regulations(a).
  - (b) "qualifying age" has the same meaning as in section 1(6) of the State Pension Credit Act 2002(b);
  - (c) "qualifying income" shall be construed in accordance with regulation 9 of the Pension Credit Regulations and for the purposes of sub-paragraphs (3) and (4) the resident's qualifying income shall include any qualifying income of his partner.

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(a) S.I. 2002/1792 ("the 2002 Regulations"). In the 2002 Regulations both members of a married or unmarried couple are referred to as "partners" (*see regulation 1(3)*). The phrases "married couple" and "unmarried couple" are defined, for the purposes of the 2002 Regulations, in section 17 of the State Pension Credit Act 2002 (c.16). A "married couple" means a man and woman who are married to each other and are members of the same household. Regulation 5 of the 2002 Regulations sets out circumstances when a couple who are married are treated as not being members of the same household. An "unmarried couple" means a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances.

(b) 2002 c. 16.

- (d) "Standard minimum guarantee" means, for the purposes of -
- (i) sub-paragraphs (1) and (2), the amount prescribed by regulation 6(1)(b) of the Pension Credit Regulations; and
  - (ii) sub-paragraphs (3) and (4), the amount prescribed by regulation 6(1)(a) of the Pension Credit Regulations.

**28I.** Any payment made to a temporary resident in lieu of concessionary coal pursuant to section 19 (1)(b) or (c) of the Coal Industry Act 1994(a)."

#### **Diwygio Atodlen 4 i'r Prif Reoliadau - Taliadau mabwysiadu**

**4.** Yn Atodlen 4 i'r Prif Reoliadau (cyfalaf sydd i'w ddiystyru) ar ôl paragraff 23, ychwaneger y paragraff canlynol-

"**24.** Any payment made to the resident in accordance with regulations made pursuant to paragraph 3 of Schedule 4 of the Adoption and Children Act 2002."

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998 (b)

1 Hydref 2003

*D.Elis-Thomas*

Llywydd Cynulliad Cenedlaethol Cymru

- (d) "Standard minimum guarantee" means, for the purposes of -
- (i) sub-paragraphs (1) and (2), the amount prescribed by regulation 6(1)(b) of the Pension Credit Regulations; and
  - (ii) sub-paragraphs (3) and (4), the amount prescribed by regulation 6(1)(a) of the Pension Credit Regulations.

**28I.** Any payment made to a temporary resident in lieu of concessionary coal pursuant to section 19 (1)(b) or (c) of the Coal Industry Act 1994(a)."

#### **Amendment of Schedule 4 of the Principal Regulations - Adoption payments**

**4.** In Schedule 4 of the Principal Regulations (capital to be disregarded) after paragraph 23, add the following paragraph-

"**24.** Any payment made to the resident in accordance with regulations made pursuant to paragraph 3 of Schedule 4 of the Adoption and Children Act 2002."

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(b)

1st October 2003

Presiding Officer of the National Assembly

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(a) 1994 p.21.  
(b) 1998 p.38.

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(a) 1994 c.21.  
(b) 1998 c.38.





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OFFERYNNAU STATUDOL

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**2003 Rhif 2530 (Cy.245)**

**GWASANAETHAU CYMORTH  
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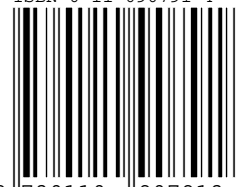
W176/10/03

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ISBN 0-11-090791-4



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