



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 253 (Cy.28)

2004 No. 253 (W.28)

TAI, CYMRU

HOUSING, WALES

**Rheoliadau Grantiau Adnewyddu
Tai (Diwygio) (Cymru)
2004**

**The Housing Renewal Grants
(Amendment) (Wales) Regulations
2004**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Grantiau Adnewyddu Tai 1996 ("Rheoliadau 1996") sy'n nodi'r prawf moddion ar gyfer penderfynu swm y grant y caiff awdurdodau tai lleol ei dalu o dan Bennod 1 o Ran 1 o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996 ("Deddf 1996").

These Regulations amend the Housing Renewal Grants Regulations 1996 ("the 1996 Regulations") which set out the means test for determining the amount of grant which may be paid by local housing authorities under Chapter 1 of Part 1 of the Housing Grants, Construction and Regeneration Act 1996 ("the 1996 Act").

Mae'r diwygiadau hyn yn ganlyniad yn bennaf i newidiadau i Reoliadau Budd-dal Tai (Cyffredinol) 1987 (O.S. 1987/1971) y mae'r prawf moddion wedi'i seilio arnynt. Maent yn cymryd i ystyriaeth hefyd ddiwygiadau a wnaed i Ddeddf 1996 drwy Orchymyn Diwygio Rheoleiddio (Cymorth Tai) (Lloegr a Chymru) 2002 (O.S. 2002/1860) ("Gorchymyn 2002") a chredydau treth newydd a gyflwynwyd drwy Ddeddf Credydau Treth 2002 a Deddf Credyd Pensiwn y Wladwriaeth 2002. Mae'r prif newidiadau fel a ganlyn-

The amendments are mainly consequential on changes to the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) upon which the means test is based. They also take into account amendments made to the 1996 Act by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860) ("the 2002 Order") and new tax credits introduced by the Tax Credits Act 2002 and the State Pension Credit Act 2002. The major changes are as follows-

Mae rheoliad 2 yn darparu diffiniadau newydd yn Rheoliadau 1996.

Regulation 2 provides new definitions in the 1996 Regulations.

Mae rheoliad 6 yn diwygio rheoliad 7 o Reoliadau 1996 i gynnwys y rhai sy'n cael credyd pensiwn y wladwriaeth a'r rhai sydd ar seibiant tadolaeth neu seibiant mabwysiadu mewn darpariaethau ynglyn â pha bryd y mae person yn cael ei drin fel person nad yw mewn gwaith â thâl.

Regulation 6 amends regulation 7 of the 1996 Regulations to include those in receipt of state pension credit and those on paternity leave or adoption leave in provisions relating to when a person is treated as not being in remunerative work.

Mae rheoliad 7 yn cynyddu'r symiau a bennir yn rheoliad 10 o Reoliadau 1996, ac felly'n cynyddu'r swm sy'n gymwys (sy'n penderfynu yn rhannol swm y grant sy'n daladwy). Mae'r rheoliad hwn yn diwygio

Regulation 7 increases the amounts specified in regulation 10 of the 1996 Regulations, so increasing the applicable amount (which partly determines the amount of grant payable). This regulation also amends

rheoliad 10 hefyd i ymdrin â chyflwyno credydau gwarantu o dan Ddeddf Credyd Pensiwn y Wladwriaeth 2002.

Mae rheoliad 8 yn diwygio rheoliad 12 o Reoliadau 1996 er mwyn eu cysoni ag adran 21 o Ddeddf 1996 a diwygiadau a wnaed i'r adran honno gan Orchymyn 2002.

Mae rheoliad 11 yn rhoi paragraff newydd yn lle paragraff (9) yn rheoliad 19 o Reoliadau 1996 i ddarparu ar gyfer seibiant tadolaeth a seibiant mabwysiadu a'r credydau treth newydd wrth drin taliadau gofal plant.

Mae rheoliad 13 yn diwygio rheoliad 30 o Reoliadau 1996 i ddarparu bod rhaid trin unrhyw daliad sy'n cael ei wneud yn unol ag unrhyw gytundeb neu orchymyn llys o ganlyniad i anaf personol sydd i'w dalu drwy daliadau cyfnodol fel incwm yn hytrach na chyfalaf.

Mae rheoliad 15 yn diwygio rheoliad 40 o Reoliadau 1996 drwy gyflwyno incwm tariff wythnosol newydd ar gyfer personau sy'n 60 oed a throsodd.

Mae rheoliad 16 yn cynyddu'r symiau a bennir yn rheoliad 43 o Reoliadau 1996 fel rhai sydd i'w heithrio o incwm grant myfyriwr pan nad oes gan y myfyriwr fenthyciad myfyriwr. Mae'r rheoliad hwn hefyd yn ychwanegu eitemau at y rhestr o grantiau sydd i'w heithrio o incwm grant myfyriwr.

Mae rheoliad 17 yn uwchraddio'r symiau a'r premïymau sy'n gymwys yn Atodlen 1 i Reoliadau 1996.

Mae rheoliad 18 yn rhoi paragraffau 12 a 18 newydd yn Atodlen 2 i Reoliadau 1996 i drin, yn eu tro, â chyflwyno credyd gwarant a chredyd treth gwaith.

Mae rheoliadau 19 ac 20 yn gwneud amnewidiadau yn Atodlenni 3 a 4 i drin â chyflwyno credyd gwarant a chredyd treth gwaith. Mae rheoliad 19 hefyd yn ychwanegu paragraff 71 newydd at Atodlen 3 ynglyn â thaliadau sy'n cael eu gwneud i berson perthnasol o ganlyniad i anaf personol.

regulation 10 to deal with the introduction of guarantee credits under the State Pension Credit Act 2002.

Regulation 8 amends regulation 12 of the 1996 Regulations to bring them into line with section 21 of the 1996 Act and amendments made to that section by the 2002 Order.

Regulation 11 replaces paragraph (9) in regulation 19 of the 1996 Regulations with a new paragraph to provide for paternity leave and adoption leave and the new tax credits in the treatment of child care charges.

Regulation 13 amends regulation 30 of the 1996 Regulations to provide that any payment made pursuant to any agreement or court order in consequence of personal injury which is to be paid by periodical payments shall be treated as income rather than capital.

Regulation 15 amends regulation 40 of the 1996 Regulations by introducing a new weekly tariff income for persons aged 60 and over.

Regulation 16 increases the amounts specified in regulation 43 of the 1996 Regulations as sums to be excluded from a student's grant income where the student does not have a student loan. This regulation also adds items to the list of grants, which are to be excluded from a student's grant income.

Regulation 17 updates the applicable amounts and premiums in Schedule 1 to the 1996 Regulations.

Regulation 18 substitutes new paragraphs 12 and 18 in Schedule 2 to the 1996 Regulations to deal, respectively, with the introduction of guarantee credit and of working tax credit.

Regulations 19 and 20 make substitutions in Schedules 3 and 4 to deal with the introduction of guarantee credit and working tax credit. Regulation 19 also adds a new paragraph 71 to Schedule 3 in respect of payments made to a relevant person in consequence of personal injury.

2004 Rhif 253 (Cy.28)**2004 No. 253 (W.28)****TAI, CYMRU****HOUSING, WALES****Rheoliadau Grantiau Adnewyddu
Tai (Diwygio) (Cymru)
2004****The Housing Renewal Grants
(Amendment) (Wales) Regulations
2004***Wedi'u gwneud* 4 Chwefror 2004*Made* 4th February 2004*Yn dod i rym* 9 Chwefror 2004*Coming into force* 9th February 2004

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 30 a 146(1) a (2) o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996(a), drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 30 and 146(1) and (2) of the Housing Grants, Construction and Regeneration Act 1996(a), hereby makes the following Regulations:

Enwi a chychwyn**Name and commencement**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Grantiau Adnewyddu Tai (Diwygio) (Cymru) 2004.

1.-(1) These Regulations are called the Housing Renewal Grants (Amendment) (Wales) Regulations 2004.

(2) Daw'r Rheoliadau hyn i rym ar 9 Chwefror 2004.

(2) These Regulations shall come into force on 9th February 2004.

Cymhwys**Application**

2. Mae'r Rheoliadau hyn yn gymwys i geisiadau am grant sy'n cael eu gwneud ar neu ar ôl 9 Chwefror i awdurdodau tai lleol yng Nghymru.

2. These Regulations apply to applications for grant made on or after 9th February 2004 to local housing authorities in Wales.

Diwygiadau**Amendments**

3. Mae Rheoliadau Grantiau Adnewyddu Tai 1996(b) yn cael eu diwygio yn unol â'r Rheoliadau canlynol.

3. The Housing Renewal Grants Regulations 1996(b) are amended in accordance with the following Regulations.

(a) 1996 p. 53; trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan yr adrannau hyn, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ac Atodlen 1 iddo, O.S. 1999/672, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn. Diwygiwyd adran 30 gan erthygl 11 o Orchymyn Diwygio Rheoleiddio (Cymorth Tai) (Lloegr a Chymru) 2002 ac Atodlen 3 iddo, O.S. 2002/1860 ("Gorchymyn 2002").

(b) O.S. 1996/2890, a ddiwygiwyd gan O.S. 1996/3119, O.S. 1997/977, O.S. 1998/808, O.S. 1999/1523, O.S. 1999/3468 (Cy.54), O.S. 2000/973 (Cy.43), O.S. 2001/2073 (Cy.145), O.S. 2001/4007 (Cy.333) ac O.S. 2002/2798 (Cy.266).

(a) 1996 c. 53; the functions of the Secretary of State under these sections were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, to which there are amendments not relevant to these Regulations. Section 30 was amended by article 11 of and Schedule 3 to, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, S.I. 2002/1860 ("the 2002 Order").

(b) S.I. 1996/2890, amended by S.I. 1996/3119, S.I. 1997/977, S.I. 1998/808, S.I. 1999/1523, S.I. 1999/3468 (W.54), S.I. 2000/973 (W.43), S.I. 2001/2073 (W.145), S.I. 2001/4007 (W.333) and S.I. 2002/2798 (W.266).

Rheoliad 2

4. Yn rheoliad 2(1) (dehongli) -

- (a) ar ôl y diffiniad o "the 1992 Act" mewnosodwch -
""adoption leave" means a period of absence from work on ordinary or additional adoption leave under section 75A or 75B of the Employment Rights Act 1996(a);";
- (b) yn lle'r diffiniad o "application" rhowch -
""application", without more, means an application for grant(b) other than an application to which section 31 applies(c) and "applicant" shall be construed accordingly;";
- (c) ar ôl y diffiniad o "child benefit" mewnosodwch -
""child tax credit" means a child tax credit under section 8 of the Tax Credits Act 2002;(ch);
- (ch) hepgorwch y diffiniad o "disabled person's tax credit";
- (d) ar ôl y diffiniad o "disability living allowance" mewnosodwch -
""dwelling" includes a qualifying houseboat and a qualifying park home;(d);
- (dd) ar ôl y diffiniad o "the Fund" mewnosodwch -
""guarantee credit" shall be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002;(dd);
- (e) yn y diffiniad o "married couple" ar ôl "means" mewnosodwch ", except in regulation 10(2)(aa), paragraph 12(b) of Schedule 2, paragraph 4(b) of Schedule 3 and paragraph 6(b) of Schedule 4,";
- (f) ar ôl y diffiniad o "partner" mewnosodwch -
""parental leave" means maternity leave, paternity leave or adoption leave;
"paternity leave" means a period of absence from work on leave under section 80A or 80B of the Employment Rights Act 1996;(e);

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- (a) 1996 p. 18; mewnosodwyd adrannau 75A a 75B o'r Ddeddf hon gan adran 3 o Ddeddf Gyflogaeth 2002 (p.22).
- (b) I gael ystyr "grant" gweler adran 1(6) o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996 ("Deddf 1996") fel y'i diwygiwyd gan baragraff 2 o Atodlen 3 i Orchymyn 2002.
- (c) Diwygiwyd adran 31 gan baragraff 12 o Atodlen 3 i Orchymyn 2002.
- (ch) 2002 p. 21.
- (d) I gael ystyr "qualifying houseboat and qualifying park home" gweler adran 58 o Ddeddf 1996 fel y'i diwygiwyd gan baragraff 25 o Atodlen 3 i Orchymyn 2002.
- (dd) 2002 p. 16.
- (e) Mewnosodwyd adrannau 80A a 80B o'r Ddeddf hon gan adran 1 o Ddeddf Gyflogaeth 2002 (p.22).

Regulation 2

4. In regulation 2(1) (interpretation) -

- (a) after the definition of "the 1992 Act" insert -
""adoption leave" means a period of absence from work on ordinary or additional adoption leave under section 75A or 75B of the Employment Rights Act 1996(a);";
- (b) for the definition of "application" substitute -
""application", without more, means an application for grant(b) other than an application to which section 31 applies(c) and "applicant" shall be construed accordingly;";
- (c) after the definition of "child benefit" insert -
""child tax credit" means a child tax credit under section 8 of the Tax Credits Act 2002;(d);
- (d) omit the definition of "disabled person's tax credit";
- (e) after the definition of "disability living allowance" insert -
""dwelling" includes a qualifying houseboat and a qualifying park home;(e);
- (f) after the definition of "the Fund" insert -
""guarantee credit" shall be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002;(f);
- (g) in the definition of "married couple" after "means" insert ", except in regulation 10(2)(aa), paragraph 12(b) of Schedule 2, paragraph 4(b) of Schedule 3 and paragraph 6(b) of Schedule 4,";
- (h) after the definition of "partner" insert -
""parental leave" means maternity leave, paternity leave or adoption leave;
"paternity leave" means a period of absence from work on leave under section 80A or 80B of the Employment Rights Act 1996;(g);

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- (a) 1996 c. 18; sections 75A and 75B of this Act were inserted by section 3 of the Employment Act 2002 (c.22).
- (b) For the meaning of "grant" see, section 1(6) of the Housing Grants Construction and Regeneration Act 1996 ("the 1996 Act") as amended by paragraph 2 of Schedule 3 to the 2002 Order.
- (c) Section 31 was amended by paragraph 12 to Schedule 3 to the 2002 Order.
- (d) 2002 c. 21.
- (e) For the meaning of "qualifying houseboat and qualifying park home" see, section 58 of the 1996 Act as amended by paragraph 25 of Schedule 3 to the 2002 Order.
- (f) 2002 c. 16.
- (g) Sections 80A and 80B of this Act were inserted by section 1 of the Employment Act 2002 (c.22).

(ff) ar ôl y diffiniad o "sports award" mewnosodwch -

""state pension credit" has the same meaning as in the State Pension Credit Act 2002"(a);

(g) yn y diffiniad o "unmarried couple" ar ôl "means" mewnosodwch ", except in regulation 10(2)(aa) and paragraph 4(b) of Schedule 3";

(ng) yn lle'r diffiniad o "working families' tax credit" rhowch -

""working tax credit" means a working tax credit under section 10 of the Tax Credits Act 2002;"; ac

(h) ar ôl y diffiniad o "war disablement pension" a "war widow's pension" mewnosodwch -

""war widower's pension" means any widower's pension or allowance granted in respect of a death due to service or war injury and payable by virtue of the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947 or Part 7 or section 151 of the Reserve Forces Act 1980;".

(i) after the definition of "sports award" insert -

""state pension credit" has the same meaning as in the State Pension Credit Act 2002"(a);

(j) in the definition of "unmarried couple" after "means" insert ", except in regulation 10(2)(aa) and paragraph 4(b) of Schedule 3";

(k) for the definition of "working families' tax credit" substitute -

""working tax credit" means a working tax credit under section 10 of the Tax Credits Act 2002;"; and

(l) after the definition of "war disablement pension" and "war widow's pension" insert -

""war widower's pension" means any widower's pension or allowance granted in respect of a death due to service or war injury and payable by virtue of the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947 or Part 7 or section 151 of the Reserve Forces Act 1980;".

Rheoliad 5

5. Yn rheoliad 5 (diffinio person perthnasol) -

(a) hepgorwch baragraff (1);

(b) ym mharagraff (2) yn lle'r geiriau o "in respect" hyd at "relevant person" rhowch "a relevant person in respect of an application"; ac

(c) ym mharagraff (3) hepgorwch "sub-paragraph (a) or (b) of paragraph (1), or".

Rheoliad 7

6. Yn rheoliad 7 (gwaith am dâl) -

(a) ym mharagraff (6), ar ôl "income support" rhowch ", state pension credit"; a

(b) ym mharagraff (7) yn lle "maternity leave" rhowch "parental leave".

Rheoliad 10

7. Yn rheoliad 10 (y swm sy'n gymwys)(b) -

(a) ym mharagraff (1)(b) -

(i) yn lle "£52.27" rhowch "£53.79";

(ii) yn lle "£67.95" rhowch "£69.92"; a

(iii) hepgorwch "disabled facilities"; a

(b) ym mharagraff (2) ar ôl is-baragraff (a) mewnosodwch -

Regulation 5

5. In regulation 5 (definition of relevant person) -

(a) omit paragraph (1);

(b) in paragraph (2) for the words from "in respect" to "relevant person" substitute "a relevant person in respect of an application"; and

(c) in paragraph (3) omit "sub-paragraph (a) or (b) of paragraph (1), or".

Regulation 7

6. In regulation 7 (remunerative work) -

(a) in paragraph (6), after "income support" insert ", state pension credit"; and

(b) in paragraph (7) for "maternity leave" substitute "parental leave".

Regulation 10

7. In regulation 10 (the applicable amount)(b) -

(a) in paragraph (1)(b) -

(i) for "£52.27" substitute "£53.79";

(ii) for "£67.95" substitute "£69.92"; and

(iii) omit "disabled facilities"; and

(b) in paragraph (2) after sub-paragraph (a) insert -

(a) *Gweler* adran 1(1) o Ddeddf Credyd Pensiwn y Wladwriaeth 2002

(b) Diwygiwyd rheoliad 10 gan O.S. 1998/808, O.S. 2000/973, O.S. 2001/2073 (Cy.145) ac O.S. 2002/2798 (Cy.266).

(a) *See* section 1(1) of the State Pension Credit Act 2002.

(b) Regulation 10 was amended by S.I. 1998/808, S.I. 2000/973, S.I. 2001/2073 (W.145) and S.I. 2002/2798 (W.266).

"(aa) as regards

- (i) a relevant person who is in receipt of guarantee credit; and
- (ii) those relevant persons who are members of a married or unmarried couple (within the meaning of the State Pension Credit Act 2002), the other member of which is in receipt of guarantee credit,

is £1;"(a).

Rheoliad 12

8. Yn rheoliad 12 (gostyngiad yn swm y grant) -

- (a) ym mharagraff (1), yn lle "owner-occupation certificate" rhowch "owner's certificate";
- (b) ym mharagraff (2), ar ôl "tenant's certificate" mewnosodwch "or occupier's certificate"(b).

Rheoliad 13

9. Yn rheoliad 13 (ceisiadau olynol) -

- (a) ym mharagraff (2), hepgorwch "or section 32(4) of the Act (apportionment in tenants' common parts application)";
- (b) ym mharagraff (3)(a), hepgorwch "disabled facilities", yn yr ail le y mae'r geiriau hyn yn ymddangos; ac
- (c) ym mharagraff (3)(b), ar ôl "tenant's certificate" rhowch "or occupier's certificate".

Rheoliad 18

10. Yn rheoliad 18(1ZA) (penderfynu incwm yn wythnosol)(c), yn lle "working families' tax credit or disabled person's tax credit" rhowch "working tax credit or child tax credit".

Rheoliad 19

11. Yn rheoliad 19 (trin taliadau gofal plant)(ch) -

- (a) yn lle paragraff (9) rhowch -

"(9) For the purposes of paragraph (1) a person on parental leave shall be treated as if engaged in remunerative work for the period specified in subparagraph (b) ("the relevant period") provided that -

- (a) in the week before the period of leave began the person was in remunerative work;

(a) 2002 p. 16; i gael ystyr "married couple" neu "unmarried couple" gweler adran 17(1) a (2)(a).

(b) I gael ystyr "occupier's certificate" gweler adran 22A o Ddeddf 1996, fel y'i mewnosodwyd gan baragraff 6 o Atodlen 3 i Orchymyn 2002.

(c) Mewnosodwyd paragraff (1ZA) o reoliad 18 gan O.S. 2001/2073.

(ch) Mewnosodwyd rheoliad 19, paragraff (9), gan O.S. 2002/2798.

"(aa) as regards

- (i) a relevant person who is in receipt of guarantee credit; and
- (ii) those relevant persons who are members of a married or unmarried couple (within the meaning of the State Pension Credit Act 2002), the other member of which is in receipt of guarantee credit,

is £1;"(a).

Regulation 12

8. In regulation 12 (reduction in amount of grant) -

- (a) in paragraph (1), for "owner-occupation certificate" substitute "owner's certificate";
- (b) in paragraph (2), after "tenant's certificate" insert "or occupier's certificate"(b).

Regulation 13

9. In regulation 13 (successive applications) -

- (a) in paragraph (2), omit "or section 32(4) of the Act (apportionment in tenants' common parts application)";
- (b) in paragraph (3)(a), omit "disabled facilities", in the second place where these words appear; and
- (c) in paragraph (3)(b), after "tenant's certificate" insert "or occupier's certificate".

Regulation 18

10. In regulation 18(1ZA) (determination of income on a weekly basis)(c), for "working families' tax credit or disabled person's tax credit" substitute "working tax credit or child tax credit".

Regulation 19

11. In regulation 19 (treatment of child care charges)(d) -

- (a) for paragraph (9) substitute -

"(9) For the purposes of paragraph (1) a person on parental leave shall be treated as if engaged in remunerative work for the period specified in subparagraph (b) ("the relevant period") provided that -

- (a) in the week before the period of leave began the person was in remunerative work;

(a) 2002 c. 16; for the meaning of "married" or "unmarried" couple see, section 17(1) and (2)(a).

(b) For the meaning of "occupier's certificate" see, section 22A of the 1996 Act, as inserted by paragraph 6 of Schedule 3 to the 2002 Order.

(c) Regulation 18 paragraph (1ZA) was inserted by S.I. 2001/2073.

(d) Regulation 19, paragraph (9) was inserted by S.I. 2002/2798.

- (b) the relevant person incurred relevant child care charges in that week; and
- (c) the person on leave is entitled to parental support.

(9A) For the purposes of paragraph (9) the relevant period shall begin on the day on which the person's parental leave commences and shall end on-

- (a) the date that leave ends;
- (b) if no tax credit is in payment on the date that entitlement to parental support ends, the date that entitlement ends; or
- (c) if a tax credit is in payment on the date that entitlement to parental support ends, the date that entitlement to that award of tax credit ends,

whichever shall occur first.

(9B) In paragraphs (9) and (9A) -

- (a) "parental support" means -
 - (i) statutory maternity pay under section 164 of the 1992 Act,
 - (ii) statutory paternity pay under section 171ZA or section 171ZB of that Act,
 - (iii) statutory adoption pay under section 171ZA of that Act,
 - (iv) maternity allowance under section 35 of that Act, and
 - (v) income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987"(a); and
- (b) "tax credit" means -
 - (i) working tax credit; and
 - (ii) child tax credit."; and

(b) ym mharagraff (10), yn lle "woman on maternity leave" rhwch "person on parental leave".

Rheoliad 24

12. Yn rheoliad 24(1)(j) (enillion enillwyr cyflogedig), yn lle "maternity leave" rhwch "parental leave".

Rheoliad 30

13. Yn rheoliad 30 (cyfalaf sy'n cael ei drin fel incwm) -

- (a) ar ddiwedd paragraff (a), hepgorwch "and"; a
- (b) ar ôl paragraff (b) ychwanegwch -
"; and
- (c) any payment made in consequence of any personal injury to a relevant person pursuant to any agreement or court order, where such payments are to be made,

- (b) the relevant person incurred relevant child care charges in that week; and
- (c) the person on leave is entitled to parental support.

(9A) For the purposes of paragraph (9) the relevant period shall begin on the day on which the person's parental leave commences and shall end on-

- (a) the date that leave ends;
- (b) if no tax credit is in payment on the date that entitlement to parental support ends, the date that entitlement ends; or
- (c) if a tax credit is in payment on the date that entitlement to parental support ends, the date that entitlement to that award of tax credit ends,

whichever shall occur first.

(9B) In paragraphs (9) and (9A) -

- (a) "parental support" means -
 - (i) statutory maternity pay under section 164 of the 1992 Act,
 - (ii) statutory paternity pay under section 171ZA or section 171ZB of that Act,
 - (iii) statutory adoption pay under section 171ZA of that Act,
 - (iv) maternity allowance under section 35 of that Act, and
 - (v) income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987"(a); and
- (b) "tax credit" means -
 - (i) working tax credit; and
 - (ii) child tax credit."; and

(b) in paragraph (10), for "woman on maternity leave" substitute "person on parental leave".

Regulation 24

12. In regulation 24(1)(j) (earning of employed earners), for "maternity leave" substitute "parental leave".

Regulation 30

13. In regulation 30 (capital treated as income) -

- (a) at the end of paragraph (a), omit "and"; and
- (b) after paragraph (b) add -
"; and
- (c) any payment made in consequence of any personal injury to a relevant person pursuant to any agreement or court order, where such payments are to be made,

(a) O.S. 1987/1967, a ddiwygiwyd gan O.S. 1996/206 ac O.S. 2003/455.

(a) S.I. 1987/1967, amended by S.I. 1996/206 and S.I. 2003/455.

wholly or partly, by way of periodical payments."

Rheoliad 31

14. Yn rheoliad 31 (incwm tybiannol) -

- (a) hepgorwch baragraff (11); a
- (b) ym mharagraff (12), hepgorwch "and (11)".

Rheoliad 40

15. Yn rheoliad 40 (penderfynu incwm tariff o gyfalaf) -

(a) yn lle paragraff (1) rhowch -

"(1) Where the relevant person's capital determined in accordance with this Chapter and Chapters 4 to 8 exceeds £6000 it shall be treated as equivalent to a weekly tariff income of -

- (a) where the relevant person is aged under 60, £1 for each complete £250 in excess of £6000; and
 - (b) where the relevant person is aged 60 or over, £1 for each complete £500 in excess of £6000.";
- (b) ym mharagraff (2), ar ôl "£250" mewnosodwch " or £500, as the case may be".

Rheoliad 43

16. Yn rheoliad 43 (penderfynu incwm grant)(a) -

- (a) ym mharagraff (3)(a)(b) yn lle "£260" rhowch "£270";
- (b) ym mharagraff (3)(b) yn lle "£319" rhowch "£340"; ac
- (c) ar ôl paragraff (3A)(d) ychwanegwch -
"any grant paid under the Schedule to the Education (Assembly Learning Grant Scheme) (Wales) Regulations 2002; and
- (f) any grant paid under regulation 15(7) of the Education (Student Support) (No. 2) Regulations 2002."(c).

Atodlen 1

17.-(1) Ym mharagraff 1 o Atodlen 1 (symiau sy'n gymwys: lwfansau personol)(ch) yn y golofn sy'n

- (a) Diwygiwyd rheoliad 43 gan O. S. 1998/808, O.S. 1999/1523, O.S. 2000/973 (Cy.43), O.S. 2001/2073 (Cy.145) ac O.S. 2002/2798.
- (b) Diwygiwyd paragraff (3) gan O.S. 2000/973 (Cy.43), O.S. 2001/2073 ac O.S. 2002/2798.
- (c) O.S. 2002/3200. O.S. 2002/1857 fel y'i diwygiwyd gan O.S. 2002/2814.
- (ch) Diwygiwyd Atodlen 1 gan O.S. 1997/977, O.S. 1998/808, O.S. 1999/1523, O.S. 2000/973 (Cy.43), O.S. 2001/2073 (Cy.45) ac O.S. 2002/2798.

wholly or partly, by way of periodical payments."

Regulation 31

14. In regulation 31 (notional income) -

- (a) omit paragraph (11); and
- (b) in paragraph (12), omit "and (11)".

Regulation 40

15. In regulation 40 (determination of tariff income from capital) -

(a) for paragraph (1) substitute -

"(1) Where the relevant person's capital determined in accordance with this Chapter and Chapters 4 to 8 exceeds £6000 it shall be treated as equivalent to a weekly tariff income of -

- (a) where the relevant person is aged under 60, £1 for each complete £250 in excess of £6000; and
 - (b) where the relevant person is aged 60 or over, £1 for each complete £500 in excess of £6000.";
- (b) in paragraph (2), after "£250" insert " or £500, as the case may be".

Regulation 43

16. In regulation 43 (determination of grant income)(a) -

- (a) in paragraph (3)(a)(b) for "£260" substitute "£270";
- (b) in paragraph (3)(b) for "£319" substitute "£340"; and
- (c) after paragraph (3A)(d) add -
"any grant paid under the Schedule to the Education (Assembly Learning Grant Scheme) (Wales) Regulations 2002; and
- (f) any grant paid under regulation 15(7) of the Education (Student Support) (No. 2) Regulations 2002."(c).

Schedule 1

17.-(1) In paragraph 1 of Schedule 1 (applicable amounts: personal allowances)(d) in the column

- (a) Regulation 43 was amended by S. I. 1998/808, S.I. 1999/1523, S.I. 2000/973 (W.43), S.I. 2001/2073 (W.145) and S.I. 2002/2798.
- (b) Paragraph (3) was amended by S.I. 2000/973 (W.43), S.I. 2001/2073 and S.I. 2002/2798.
- (c) S.I. 2002/3200. S.I. 2002/1857 (W.181), as amended by S.I. 2002/2814.
- (d) Schedule 1 was amended by S.I. 1997/977, S.I. 1998/808, S.I. 1999/1523, S.I. 2000/973 (W.43), S.I. 2001/2073 (W.45) and S.I. 2002/2798.

dwyn y pennawd "(2) Amount"-

- (a) yn is-baragraff 1(a), yn lle "£42.70" rhowch "£43.25";
- (b) yn is-baragraff 1(b), yn lle "£53.95" rhowch "£54.65";
- (c) yn is-baragraff 2(a), yn lle "£42.70" rhowch "£43.25";
- (ch) yn is-baragraff 2(b), yn lle "£53.95" rhowch "£54.65";
- (d) yn is-baragraff 3(a), yn lle "£64.45" rhowch "£65.30"; ac
- (dd) yn is-baragraff 3(b), yn lle "£84.65" rhowch "£85.75".

(2) Ym mharagraff 2 o Atodlen 1, yn y golofn sy'n dwyn y pennawd "(2) Amount" -

- (a) yn is-baragraff (a), yn lle "£33.50" rhowch "£38.50"; a
- (b) yn is-baragraff (b), yn lle "£34.30" rhowch "£38.50".

(3) Ym mharagraff 3 o Atodlen 1 (symiau sy'n gymwys: premiwm teulu) -

- (a) yn is-baragraff (1), yn lle "£14.75" rhowch "£15.75"; a
- (b) ar ôl is-baragraff (2) ychwanegwch -

"(3) The amounts specified in sub-paragraphs (1) and (2) shall be increased by £10.45 where at least one child is under the age of one year and, for the purposes of this paragraph, where that child's first birthday does not fall on a Monday that child shall be treated as being under the age of one year until the first Monday after that child's first birthday."

(4) Ym mharagraff 12(1)(a)(i)(a) o Atodlen 1 (symiau sy'n gymwys: premiymau) yn lle "disabled person's tax credit" rhowch "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"(b).

(5) Ym mharagraff 13 o Atodlen 1 (premiwm anabledl difrifol) -

- (a) yn is-baragraff (2)(a)(iii) ac is-baragraff (2)(b)(iii) yn lle "an invalid care allowance" rhowch "a carer's allowance"; a
- (b) yn is-baragraff (4)(b) ac is-baragraff (6) yn lle "invalid care allowance" rhowch "a carer's allowance".

(6) Ym mharagraff 15 o Atodlen 1 (premiwm gofalwr) yn lle "invalid care allowance" (ym mha le bynnag y mae'n digwydd) rhowch "a carer's allowance".

(7) Ym mharagraff 18 o Atodlen 1 (symiau sy'n

headed "(2) Amount"-

- (a) in sub-paragraph 1(a), for "£42.70" substitute "£43.25";
- (b) in sub-paragraph 1(b), for "£53.95" substitute "£54.65";
- (c) in sub-paragraph 2(a), for "£42.70" substitute "£43.25";
- (d) in sub-paragraph 2(b), for "£53.95" substitute "£54.65";
- (e) in sub-paragraph 3(a), for "£64.45" substitute "£65.30"; and
- (f) in sub-paragraph 3(b), for "£84.65" substitute "£85.75".

(2) In paragraph 2 of Schedule 1, in the column headed "(2) Amount" -

- (a) in sub-paragraph (a), for "£33.50" substitute "£38.50"; and
- (b) in sub-paragraph (b), for "£34.30" substitute "£38.50".

(3) In paragraph 3 of Schedule 1 (applicable amounts: family premium) -

- (a) in sub-paragraph (1), for "£14.75" substitute "£15.75"; and
- (b) after sub-paragraph (2) add -

"(3) The amounts specified in sub-paragraphs (1) and (2) shall be increased by £10.45 where at least one child is under the age of one year and, for the purposes of this paragraph, where that child's first birthday does not fall on a Monday that child shall be treated as being under the age of one year until the first Monday after that child's first birthday."

(4) In paragraph 12(1)(a)(i)(a) of Schedule 1 (applicable amounts: premiums) for "disabled person's tax credit" substitute "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"(b).

(5) In paragraph 13 of Schedule 1 (severe disability premium) -

- (a) in sub-paragraph (2)(a)(iii) and sub-paragraph (2)(b)(iii) for "an invalid care allowance" substitute "a carer's allowance"; and
- (b) in sub-paragraph (4)(b) and sub-paragraph (6) for "invalid care allowance" substitute "a carer's allowance".

(6) In paragraph 15 of Schedule 1 (carer premium) for "invalid care allowance" (wherever it occurs) substitute "a carer's allowance".

(7) In paragraph 18 of Schedule 1 (applicable

(a) Diwygiwyd paragraff 12(1)(a)(i) gan O.S. 2002/2798.

(b) O.S. 2002/2005.

(a) Paragraph 12(1)(a)(i) was amended by S.I. 2002/2798.

(b) S.I. 2002/2005.

gymwys: symiau premiwm a bennir yn Rhan 3) -

- (a) yn y golofn sy'n dwyn y pennawd "*Premium*" yn is-baragraff (5)(b)(i), yn lle "an invalid care allowance" rhowch "a carer's allowance".
- (b) yn y golofn sy'n dwyn y pennawd "Amount"-
 - (i) yn is-baragraff (1)(a), yn lle "£44.20" rhowch "£47.45";
 - (ii) yn is-baragraff (1)(b), yn lle "£65.15" rhowch "£70.05";
 - (iii) yn is-baragraff (2)(a), yn lle "£44.20" rhowch "£47.45";
 - (iv) yn is-baragraff (2)(b), yn lle "£65.15" rhowch "£70.05";
 - (v) yn is-baragraff (3)(a), yn lle "£44.20" rhowch "£47.45";
 - (vi) yn is-baragraff (3)(b), yn lle "£65.15" rhowch "£70.05";
 - (vii) yn is-baragraff (3A), yn lle "£21.55" rhowch "£22.80";
 - (viii) yn is-baragraff (4)(a), yn lle "£23.00" rhowch "£23.30";
 - (ix) yn is-baragraff (4)(b), yn lle "£32.80" rhowch "£33.25";
 - (x) yn is-baragraff (5)(a), yn lle "£42.25" rhowch "£42.95";
 - (xi) yn is-baragraff (5)(b)(i), yn lle "£42.25" rhowch "£42.95";
 - (xii) yn is-baragraff (5)(b)(ii), yn lle "£84.50" rhowch "£85.90";
 - (xiii) yn is-baragraff (6), yn lle "£35.50" rhowch "£41.30";
 - (xiv) yn is-baragraff (7), yn lle "£24.80" rhowch "£25.10";
 - (xv) yn is-baragraff (8)(a)(a), yn lle "£11.25" rhowch "£16.60";
 - (xvi) yn is-baragraff (8)(b), yn lle "£11.25" rhowch "£11.40"; a
 - (xvii) yn is-baragraff (8)(c), yn lle "£16.25" rhowch "£16.45".

Atodlen 2

18.-(1) Ym mharagraff 5(1) of Schedule 2(b) (symiau sydd i'w hanwybyddu wrth benderfynu enillion) yn lle "invalid care allowance" (ym mha le bynnag y mae'n digwydd) rhowch "carer's allowance".

(2) Yn lle paragraff 12 o'r Atodlen honno rhowch -

"12. Where a relevant person -

- (a) is in receipt of income support, income-based jobseeker's allowance or guarantee credit; or
- (b) is a member of a married or unmarried

(a) Mewnosodwyd paragraff 18(8) gan O.S. 2001/2073.

(b) Diwygiwyd Atodlen 2 gan O.S. 1998/808 ac O.S. 1999/3468.

amounts: amounts of premium specified in Part 3) -

- (a) in the column headed "*Premium*" in sub-paragraph (5)(b)(i), for "an invalid care allowance" substitute "a carer's allowance".
- (b) in the column headed "Amount"-
 - (i) in sub-paragraph (1)(a), for "£44.20" substitute "£47.45";
 - (ii) in sub-paragraph (1)(b), for "£65.15" substitute "£70.05";
 - (iii) in sub-paragraph (2)(a), for "£44.20" substitute "£47.45";
 - (iv) in sub-paragraph (2)(b), for "£65.15" substitute "£70.05";
 - (v) in sub-paragraph (3)(a), for "£44.20" substitute "£47.45";
 - (vi) in sub-paragraph (3)(b), for "£65.15" substitute "£70.05";
 - (vii) in sub-paragraph (3A), for "£21.55" substitute "£22.80";
 - (viii) in sub-paragraph (4)(a), for "£23.00" substitute "£23.30";
 - (ix) in sub-paragraph (4)(b), for "£32.80" substitute "£33.25";
 - (x) in sub-paragraph (5)(a), for "£42.25" substitute "£42.95";
 - (xi) in sub-paragraph (5)(b)(i), for "£42.25" substitute "£42.95";
 - (xii) in sub-paragraph (5)(b)(ii), for "£84.50" substitute "£85.90";
 - (xiii) in sub-paragraph (6), for "£35.50" substitute "£41.30";
 - (xiv) in sub-paragraph (7), for "£24.80" substitute "£25.10";
 - (xv) in sub-paragraph (8)(a)(a), for "£11.25" substitute "£16.60";
 - (xvi) in sub-paragraph (8)(b), for "£11.25" substitute "£11.40"; and
 - (xvii) in sub-paragraph (8)(c), for "£16.25" substitute "£16.45".

Schedule 2

18.-(1) In paragraph 5(1) of Schedule 2(b) (sums to be disregarded in the determination of earnings) for "invalid care allowance" (wherever it occurs) substitute "carer's allowance".

(2) For paragraph 12 of that Schedule substitute -

"12. Where a relevant person -

- (a) is in receipt of income support, income-based jobseeker's allowance or guarantee credit; or
- (b) is a member of a married or unmarried

(a) Paragraph 18(8) was inserted by S.I. 2001/2073.

(b) Schedule 2 was amended by S.I. 1998/808 and S.I. 1999/3468.

couple (within the meaning of the State Pension Credit Act 2002) and the other member of that couple is in receipt of guarantee credit,

that person's earnings."(a).

(3) Yn lle paragraff 18(b) o'r Atodlen honno rhowch -

"18.-(1) In a case where the relevant person is a person who satisfies at least one of the conditions specified in sub-paragraph (2), and that person's net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of that person's earnings that falls to be disregarded under paragraphs 3 to 10 of this Schedule shall be increased by a sum equal to the 30 hour element of working tax credit referred to in regulation 20(1)(c) of the Working Tax Credit Regulations.

(2) The conditions are that -

- (a) the relevant person, or if that person is a member of a couple, either the relevant person or that person's partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies;
- (b) the relevant person is, or if that person 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;
- (c) the relevant person is a member of a couple and -
 - (i) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week;
 - (ii) the aggregate number of hours for which the couple are engaged in remunerative work is at least 30 hours per week; and
 - (iii) that person's applicable amounts includes a family premium under paragraph 3 of Schedule 1;
- (d) the relevant person is a lone parent who is engaged in remunerative work for on average not less than 30 hours per week;
- (e) the relevant person is, or if that person is a member of a couple, at least one member of that couple is or both members are, engaged in remunerative work for on average not less than 30 hours per week and -
 - (i) the relevant person's applicable amount includes a higher pensioner premium or a disability premium under paragraph 10 or 11 of Schedule

(a) 2002 p.16.

(b) Mewnosodwyd paragraff 18 gan O.S. 1999/3468.

couple (within the meaning of the State Pension Credit Act 2002) and the other member of that couple is in receipt of guarantee credit,

that person's earnings."(a).

(3) For paragraph 18(b) of that Schedule substitute -

"18.-(1) In a case where the relevant person is a person who satisfies at least one of the conditions specified in sub-paragraph (2), and that person's net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of that person's earnings that falls to be disregarded under paragraphs 3 to 10 of this Schedule shall be increased by a sum equal to the 30 hour element of working tax credit referred to in regulation 20(1)(c) of the Working Tax Credit Regulations.

(2) The conditions are that -

- (a) the relevant person, or if that person is a member of a couple, either the relevant person or that person's partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies;
- (b) the relevant person is, or if that person 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;
- (c) the relevant person is a member of a couple and -
 - (i) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week;
 - (ii) the aggregate number of hours for which the couple are engaged in remunerative work is at least 30 hours per week; and
 - (iii) that person's applicable amounts includes a family premium under paragraph 3 of Schedule 1;
- (d) the relevant person is a lone parent who is engaged in remunerative work for on average not less than 30 hours per week;
- (e) the relevant person is, or if that person is a member of a couple, at least one member of that couple is or both members are, engaged in remunerative work for on average not less than 30 hours per week and -
 - (i) the relevant person's applicable amount includes a higher pensioner premium or a disability premium under paragraph 10 or 11 of Schedule

(a) 2002 c.16.

(b) Paragraph 18 was inserted by S.I. 1999/3468.

1 respectively; and

- (ii) where that person is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the higher pensioner premium or disability premium referred to in paragraph (i) 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 relevant person's earnings under paragraphs 3 to 10 of this Schedule;
- (b) the amount of child care charges calculated as deductible under regulation 18(1) of these Regulations; and
- (c) the amount of the 30 hour element referred to in regulation 20(1)(c) of the Working Tax Credit Regulations.

(4) The provisions of regulation 4 of the Working Tax Credit Regulations shall 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 paragraph (1) of that regulation were a reference to 30 hours.

(5) In this paragraph "the Working Tax Credit Regulations" means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002."(a).

Atodlen 3

19.-(1) Mae Atodlen 3(b) (symiau sydd i'w hanwybyddu wrth benderfynu incwm heblaw enillion) yn cael ei diwygio fel a ganlyn.

(2) Yn lle paragraff 4 rhowch -

"4. Where a relevant person -

- (a) is in receipt of income support, income-based jobseeker's allowance or guarantee credit; or
- (b) is a member of a married or unmarried couple (within the meaning of the State Pension Credit Act 2002) and the other member of that couple is in receipt of guarantee credit,

the whole of that person's income."

(3) Ym mharagraff 6, ar ôl is-baragraff (d) ychwanegwch -

(a) O.S. 2002/2005 fel y'i diwygiwyd gan O.S. 2003/701.

(b) Diwygiwyd Atodlen 3 gan O.S. 1999/1523, O.S. 1999/3468, O.S. 2000/973, O.S. 2002/2798 a Rheoliadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn.

1 respectively; and

- (ii) where that person is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the higher pensioner premium or disability premium referred to in paragraph (i) 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 relevant person's earnings under paragraphs 3 to 10 of this Schedule;
- (b) the amount of child care charges calculated as deductible under regulation 18(1) of these Regulations; and
- (c) the amount of the 30 hour element referred to in regulation 20(1)(c) of the Working Tax Credit Regulations.

(4) The provisions of regulation 4 of the Working Tax Credit Regulations shall 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 paragraph (1) of that regulation were a reference to 30 hours.

(5) In this paragraph "the Working Tax Credit Regulations" means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002."(a).

Schedule 3

19.-(1) Schedule 3(b) (sums to be disregarded in the determination of income other than earnings) is amended as follows.

(2) For paragraph 4 substitute -

"4. Where a relevant person -

- (a) is in receipt of income support, income-based jobseeker's allowance or guarantee credit; or
- (b) is a member of a married or unmarried couple (within the meaning of the State Pension Credit Act 2002) and the other member of that couple is in receipt of guarantee credit,

the whole of that person's income."

(3) In paragraph 6, after sub-paragraph (d) add -

(a) S.I. 2002/2005, as amended by S.I. 2003/701.

(b) Schedule 3 was amended by S.I. 1999/1523, S.I. 1999/3468, S.I. 2000/973, S.I. 2002/2798 and other Regulations not relevant to these Regulations.

"or;

(e) state pension credit".

(4) Ym mharagraff 13 -

- (a) yn lle is-baragraff (b) rhowch "a war widow or war widower's pension";
- (b) yn is-baragraff (c), yn lle "a pension payable to a person as a widow under the" rhowch "a pension payable to a person as a widow or widower under the".

(5) Ym mharagraff 51 ar ôl "pensions to widows" mewnosodwch "and widowers".

(6) Ym mharagraff 52 ar ôl "pensions to widows" mewnosodwch "and widowers".

(7) Ym mharagraff 53 -

- (a) yn is-baragraff (1)(a), ar ôl "to a widow" mewnosodwch "or a widower".
- (b) yn is-baragraff (1)(b), ar ôl "pensions to widows" mewnosodwch "and widowers".

(8) Yn lle paragraff 54 rhowch -

"54. Except in a case which falls under paragraph 18 of Schedule 2 to these Regulations, where the relevant person is entitled to the 30 hour element of working tax credit referred to in regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002, any amount of working tax credit up to the amount specified for that element in Schedule 2 to those Regulations."

(9) Hepgorwch baragraff 55.

(10) Ar ôl paragraff 70 ychwanegwch -

"71. Any payment-

- (a) from a trust whose funds are derived from a payment made in consequence of any personal injury to a relevant person;
- (b) under an annuity purchased -
 - (i) pursuant to any agreement or court order to make payments to a relevant person; or
 - (ii) from funds derived from a payment made,

in consequence of any personal injury to a relevant person; and

- (c) (not falling within (a) and (b) above) received by virtue of any agreement or court order to make payments to a relevant person in consequence of any personal injury to that person."

Atodlen 4

20.-(1) Yn lle paragraff 6 o Atodlen 4 rhowch-

"6. Where a relevant person -

"or;

(e) state pension credit".

(4) In paragraph 13 -

- (a) for sub-paragraph (b) substitute "a war widow or war widower's pension";
- (b) in sub-paragraph (c), for "a pension payable to a person as a widow under the" substitute "a pension payable to a person as a widow or widower under the".

(5) In paragraph 51 after "pensions to widows" insert "and widowers".

(6) In paragraph 52 after "pensions to widows" insert "and widowers".

(7) In paragraph 53 -

- (a) in sub-paragraph (1)(a), after "to a widow" insert "or a widower".
- (b) in sub-paragraph (1)(b), after "pensions to widows" insert "and widowers".

(8) For paragraph 54 substitute -

"54. Except in a case which falls under paragraph 18 of Schedule 2 to these Regulations, where the relevant person is entitled to the 30 hour element of working tax credit referred to in regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002, any amount of working tax credit up to the amount specified for that element in Schedule 2 to those Regulations."

(9) Omit paragraph 55.

(10) After paragraph 70 add -

"71. Any payment-

- (a) from a trust whose funds are derived from a payment made in consequence of any personal injury to a relevant person;
- (b) under an annuity purchased -
 - (i) pursuant to any agreement or court order to make payments to a relevant person; or
 - (ii) from funds derived from a payment made,

in consequence of any personal injury to a relevant person; and

- (c) (not falling within (a) and (b) above) received by virtue of any agreement or court order to make payments to a relevant person in consequence of any personal injury to that person."

Schedule 4

20.-(1) For paragraph 6 of Schedule 4 substitute-

"6. Where a relevant person -

- (a) is in receipt of income support, income-based jobseeker's allowance or guarantee credit; or
- (b) is a member of a married or unmarried couple (within the meaning of the State Pension Credit Act 2002) and the other member of that couple is in receipt of guarantee credit,

the whole of that person's capital."

(2) Ym mharagraff 9 o'r Atodlen honno (a) (cyfalaf sydd i'w anwybyddu) -

- (a) yn is-baragraff (b), ar ôl "Family Income Supplements Act 1970" mewnosodwch ", working families' tax credit under section 128 of the 1992 Act, disabled person's tax credit under section 129 of that Act";
- (b) ar ôl is-baragraff (e) ychwanegwch -
"(f) working tax credit and child tax credit where such payment is made as a result of a change of circumstances."

- (a) is in receipt of income support, income-based jobseeker's allowance or guarantee credit; or
- (b) is a member of a married or unmarried couple (within the meaning of the State Pension Credit Act 2002) and the other member of that couple is in receipt of guarantee credit,

the whole of that person's capital."

(2) In paragraph 9 of that Schedule (a) (capital to be disregarded) -

- (a) in sub-paragraph (b), after "Family Income Supplements Act 1970" insert ", working families' tax credit under section 128 of the 1992 Act, disabled person's tax credit under section 129 of that Act";
- (b) after sub-paragraph (e) add -
"(f) working tax credit and child tax credit where such payment is made as a result of a change of circumstances."

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

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

4 Chwefror 2004

4th February 2004

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) Diwygiwyd paragraff 9 o Atodlen 4 gan O.S. 2002/2798.
(b) 1998 p.38.

(a) Paragraph 9 of Schedule 4 was amended by S.I. 2002/2798.
(b) 1998 c.38.

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