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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2009 Rhif 632 (Cy.58)**

**2009 No. 632 (W.58)**

**GWASANAETHAU CYMORTH  
GWLADOL, CYMRU**

**NATIONAL ASSISTANCE,  
WALES**

Rheoliadau Cymorth Gwladol  
(Asesu Adnoddau a Symiau at  
Anghenion Personol)  
(Diwygio) (Cymru)  
2009

The National Assistance  
(Assessment of Resources and  
Sums for Personal Requirements)  
(Amendment) (Wales) Regulations  
2009

**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 pennu'r swm wythnosol y mae awdurdodau lleol i ragdybio, yn niffyg amgylchiadau arbennig, y bydd ar breswylwyr, sydd mewn llety a drefnwyd o dan Ran 3 o Ddeddf Cymorth Gwladol 1948 ("y Ddeddf"), ei angen at eu hanghenion personol. O 6 Ebrill 2009 ymlaen, rhagdybir y bydd ar bob preswlydd o'r fath angen £22.00 yr wythnos.

These Regulations set the weekly sum which local authorities are to assume, in the absence of special circumstances, that residents who are in accommodation arranged under Part 3 of the National Assistance Act 1948 ("the Act"), will need for their personal requirements. From 6 April 2009 all such residents will be assumed to need £22.00 per week.

Yn ail, mae'r Rheoliadau hyn yn gwneud diwygiadau pellach i Reoliadau Cymorth Gwladol (Asesu Adnoddau) 1992 ("y Prif Reoliadau").

Secondly, these Regulations make further amendments to the National Assistance (Assessment of Resources) Regulations 1992 ("the Principal Regulations").

Mae'r Prif Reoliadau'n penderfynu'r ffordd y mae awdurdodau lleol yn asesu gallu person i dalu am y llety a drefnwyd ar ei gyfer o dan y Ddeddf.

The Principal Regulations determine the way that local authorities assess the ability of a person to pay for accommodation arranged for him or her under the Act.

Mae'r diwygiadau yn darparu ar gyfer cynnydd yn y terfyn cyfalaf isaf a chynnydd yn y swm o gredyd cynilion sydd i'w ddiystyru.

The amendments provide for an increase in the lower capital limit and an increase in the amount of savings credit to be disregarded.

**2009 Rhif 632 (Cy.58)**

**2009 No. 632 (W.58)**

**GWASANAETHAU CYMORTH  
GWLADOL, CYMRU**

**NATIONAL ASSISTANCE  
SERVICES, WALES**

Rheoliadau Cymorth Gwladol  
(Asesu Adnoddau a Symiau at  
Anghenion Personol)  
(Diwygio) (Cymru)  
2009

The National Assistance  
(Assessment of Resources and  
Sums for Personal Requirements)  
(Amendment) (Wales) Regulations  
2009

*Gwnaed* 11 Mawrth 2009  
*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 12 Mawrth 2009  
*Yn dod i rym* 6 Ebrill 2009

*Made* 11 March 2009  
*Laid before the National  
Assembly for Wales* 12 March 2009  
*Coming into force* 6 April 2009

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 22(4) a (5) o Ddeddf Cymorth Gwladol 1948(1) ac sydd bellach wedi'u breinio ynddynt (2) drwy hyn yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by sections 22(4) and (5) of the National Assistance Act 1948(1) and now vested in them (2) hereby make the following regulations.

**Enwi, cychwyn, dehongli a chymhwyso**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau a Symiau at Anghenion Personol) (Diwygio) (Cymru) 2009.

(2) Daw'r Rheoliadau hyn i rym ar 6 Ebrill 2009.

**Title, commencement, interpretation and application**

1.—(1) The title of these Regulations is The National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2009.

(2) These Regulations come into force on 6 April 2009.

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(1) 1948 p.29. *Gweler* adrannau 35(1) a 64(1) o Ddeddf Cymorth Gwladol 1948 i gael y diffiniadau o "the minister" a "prescribed" yn y drefn honno ac erthygl 2 o Orchymyn yr Ysgrifennydd Gwladol dros Wasanaethau Cymdeithasol 1968 (O.S. 1968/1699) a drosglwyddodd holl swyddogaethau'r Gweinidog Iechyd i'r Ysgrifennydd Gwladol.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 22(4) a (5) o Ddeddf Cymorth Gwladol 1948 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac fe'u trosglwyddwyd i Weindogion Cymru gan baragraff 30 o Atodlen 11 o Ddeddf Llywodraeth Cymru 2006.

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(1) 1948 c.29. *See* sections 35(1) and 64(1) of the National Assistance Act 1948 for the definitions of "the minister" and "prescribed" respectively and article 2 of the Secretary of State for Social Services Order 1968 (S.I. 1968/1699) which transferred all functions of the Minister of Health to the Secretary of State.

(2) The functions of the Secretary of State under sections 22(4) and (5) of the National Assistance Act 1948 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and transferred to the Welsh Ministers by paragraph 30 of Schedule 11 of the Government of Wales Act 2006.

(3) Yn y Rheoliadau hyn, ystyr "y Prif Reoliadau" ("*the Principal Regulations*") yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992(1).

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

### **Symiau y mae eu hangen at anghenion personol**

2. Y swm y mae awdurdod lleol yn rhagdybio y bydd ei angen ar berson at ei anghenion personol o dan adran 22(4) o Ddeddf Cymorth Gwladol 1948(2) yw £22.00 yr wythnos.

### **Dirymu**

3. Mae rheoliadau 2, 3, 4, 5 o Reoliadau Cymorth Gwladol (Asesu Adnoddau a Symiau at Anghenion Personol) (Diwygio) (Cymru) 2008(3) drwy hyn wedi'u dirymu.

### **Diwygio rheoliad 28A o'r Prif Reoliadau**

4. Ym mharagraff (2) o reoliad 28A o'r Prif Reoliadau (cyfrifo incwm tariff o gyfalaf - Cymru) yn lle'r ffigur " £19,000" rhodder y ffigur "£20,750" yn y ddau le y mae'n ymddangos.

### **Diwygio Atodlen 3 i'r Prif Reoliadau**

5. Ym mharagraff 28H—

- (a) yn is-baragraffau (1) a (2) yn lle'r ffigur "£5.45" rhodder y ffigur "£5.65" ym mhob lle y mae'n ymddangos; a
- (b) yn is-baragraffau (3) a (4) yn lle'r ffigur "£8.15" rhodder y ffigur "£8.45" ym mhob lle y mae'n ymddangos.

### **Diwygio Atodlen 4 i'r Prif Reoliadau**

6. Yn Atodlen 4 i'r Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992 (cyfalaf i'w ddiystyru)—

- (a) ym mharagraff 2(2) yn lle "whom the resident is liable to maintain by virtue of section 42(1) of the National Assistance Act 1948 (liability to maintain wife or husband and children)." rhodder "of the resident"; a
- (b) ar ôl is-baragraff (2) mewnosoder—

(3) In these Regulations, "the Principal Regulations" ("*y Prif Reoliadau*") means the National Assistance (Assessment of Resources) Regulations 1992(1).

(4) These Regulations apply in relation to Wales.

### **Sums needed for personal requirements**

2. The sum which a local authority assumes a person to need for his or her personal requirements under section 22(4) of the National Assistance Act 1948(2) is £22.00 per week.

### **Revocation**

3. Regulations 2, 3, 4, 5 of the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2008(3) are hereby revoked.

### **Amendment of regulation 28A of the Principal Regulations**

4. In paragraph (2) of regulation 28A of the Principal Regulations (Calculation of tariff income from capital - Wales) replace the figure "£19,000" with the figure "£20,750" in both places where it appears.

### **Amendment of Schedule 3 to the Principal Regulations**

5. In paragraph 28H—

- (a) in sub-paragraphs (1) and (2) replace the figure "£5.45" with the figure "£5.65" at each place where it appears; and
- (b) in sub-paragraphs (3) and (4) replace the figure of "£8.15" with the figure "£8.45" in each place where it appears.

### **Amendment of Schedule 4 to the Principal Regulations**

6. In Schedule 4 to the National Assistance (Assessment of Resources) Regulations 1992 (capital to be disregarded)—

- (a) in paragraph 2(2) for "whom the resident is liable to maintain by virtue of section 42(1) of the National Assistance Act 1948 (liability to maintain wife or husband and children)." substitute "of the resident"; and
- (b) after sub-paragraph (2) insert—

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(1) O.S. 1992/2977 fel y'i diwygiwyd gan gyfres o offerynnau dilynol.

(2) 1948 p.29.

(3) O.S. 2008/743.

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(1) S.I. 1992/2977 as amended by a series of subsequent instruments.

(2) 1948 c.29.

(3) S.I. 2008/743.

"(3) In this paragraph a reference to a child shall be construed in accordance with section 1 of the Family Law Reform Act 1987(1)."

"(3) In this paragraph a reference to a child shall be construed in accordance with section 1 of the Family Law Reform Act 1987(1)."

*Gwenda Thomas*

O dan awdurdod y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru.

Under authority of the Minister for Health and Social Services, one of the Welsh Ministers.

11 Mawrth 2009

11 March 2009

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(1) 1987 (c.42). Diwygiwyd Adran 1 gan baragraff 24 o Atodlen 6 i Ddeddf Ffrwythloni Dynol ac Embryoleg 2008 (c.22) a chan baragraff 51 o Atodlen 3 i Ddeddf Mabwysiadu a Phlant 2002 (c.38).

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(1) 1987 (c.42). Section 1 was amended by paragraph 24 of Schedule 6 to the Human Fertilisation and Embryology Act 2008 (c.22) and by paragraph 51 of Schedule 3 to the Adoption and Children Act 2002 (c.38).

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