



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2011 Rhif 708 (Cy.110)

2011 No. 708 (W.110)

**GWASANAETHAU CYMORTH
GWLADOL, CYMRU**

**NATIONAL ASSISTANCE
SERVICES, WALES**

Rheoliadau Cymorth Gwladol
(Asesu Adnoddau a Symiau at
Anghenion Personol) (Diwygio)
(Cymru) 2011

The National Assistance
(Assessment of Resources and
Sums for Personal Requirements)
(Amendment) (Wales) Regulations
2011

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, sy'n gymwys o ran Cymru, yn diwygio Rheoliadau Cymorth Gwladol (Asesu Adnoddau a Symiau at Anghenion Personol) (Diwygio) (Cymru) 2010 ("y Rheoliadau Anghenion Personol") a Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992 ("y Prif Reoliadau"). Deuant i rym ar 11 Ebrill 2011.

These Regulations, which apply in relation to Wales amend the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2010 ("the Personal Requirements Regulations") and the National Assistance (Assessment of Resources) Regulations 1992 ("the Principal Regulations"). They come into force on 11 April 2011.

Mae rheoliad 2 yn diwygio'r swm sydd ei angen ar gyfer anghenion personol, fel bod y swm wythnosol y mae awdurdodau lleol yng Nghymru i'w ragdybio, yn niffyg amgylchiadau arbennig, y bydd ei angen ar breswylwyr mewn llety a drefnir o dan Ran 3 o Ddeddf Cymorth Gwladol 1948, ar gyfer anghenion personol, yn cynyddu i £23.00 yr wythnos.

Regulation 2 amends the sum needed for personal requirements so that the weekly sum that local authorities in Wales are to assume, in the absence of special requirements, that residents in accommodation arranged under Part 3 of the National Assistance Act 1948 will need for their personal requirements is increased to £23.00 per week.

Mae rheoliad 3 yn dirymu rhan o'r Rheoliadau Anghenion Personol.

Regulation 3 revokes part of the Personal Requirements Regulations.

Mae rheoliad 4 yn diwygio'r Prif Reoliadau fel bod y terfyn cyfalaf a bennir yn rheoliad 20A yn newid i £22,500, ac yn gwneud yn eglur na chaniateir gwneud yn ofynnol bod preswlydd yn talu am, nac yn cyfrannu at, gost llety allan o gyfalaf sydd islaw'r swm hwn.

Regulation 4 amends the Principal Regulations so that the capital limit set out in regulation 20A becomes £22,500 and makes clear that a resident may not be required to pay for, or contribute to the cost of, accommodation from capital where it falls below this amount.

Mae rheoliad 5 yn diwygio paragraffau 10, 30 a 31 o Atodlen 3 i'r Prif Reoliadau, i ddarparu bod rhai taliadau elusenol a gwirfoddol o incwm i'w diystyru'n llawn wrth gyfrifo incwm ac eithrio enillion. Mae'r

Regulation 5 amends paragraphs 10, 30 and 31 of Schedule 3 to the Principal Regulations to provide that certain charitable and voluntary payments of income are to be disregarded in full in the calculation of

diwygiadau hyn yn adlewyrchu diwygiadau a wnaed i Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987 (O.S. 1987/1967) ("y Rheoliadau Cymhorthdal Incwm"). Mae rheoliad 6 yn diwygio Atodlen 4 i'r Prif Reoliadau, i adlewyrchu diwygiadau a wnaed i'r Rheoliadau Cymhorthdal Incwm ynglŷn ag arian sydd i'w ddiystyru wrth gyfrifo cyfalaf preswlydd. Mae rheoliad 6(a) yn pennu bod unrhyw daliad a wneir i breswlydd neu'i bartner o ganlyniad i anaf corfforol i'w ddiystyru am gyfnod o hyd at 52 wythnos o'r dyddiad y ceir y taliad cyntaf, ac eithrio pan fo'r taliad hwnnw wedi ei fwriadu'n benodol i ddiwallu cost gofal. Mae rheoliad 6(b) yn galluogi diystyru rhai dyfarniadau o iawndal, pan ddelir y dyfarniadau hynny yn ddarostyngedig i orchymyn neu gyfarwyddyd gan y llys.

income other than earnings. These amendments reflect amendments made to the Income Support (General) Regulations 1987 (S.I. 1987/1967) ("the Income Support Regulations"). Regulation 6 amends Schedule 4 to the Principal Regulations to reflect amendments made to the Income Support Regulations dealing with funds to be disregarded when calculating a resident's capital. Regulation 6(a) creates a disregard for any payment made in consequence of any personal injury to a resident for a period of up to 52 weeks from the day of receipt of the first payment except where that payment is specifically intended to cover the cost of care. Regulation 6(b) enables certain awards of damages to be disregarded where those awards are held subject to the order or direction of the court.

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(Assessment of Resources and
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(Amendment) (Wales) Regulations
2011

Gwnaed 9 Mawrth 2011
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 10 Mawrth 2011
Yn dod i rym 11 Ebrill 2011

Made 9 March 2011
*Laid before the National
Assembly for Wales* 10 March 2011
Coming into force 11 April 2011

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 22(4) a (5) o Ddeddf Cymorth Gwladol 1948(1), ac a freiniwyd bellach ynddynt hwy(2), drwy hyn yn gwneud y Rheoliadau canlynol.

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by section 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

Title, commencement, interpretation and application

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau a Symiau at Anghenion Personol) (Diwygio) (Cymru) 2011.

1.–(1) The title of these Regulations is the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2011.

(2) Daw'r Rheoliadau hyn i rym ar 11 Ebrill 2011.

(2) These Regulations come into force on 11 April 2011.

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

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

(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) a throsglwyddwyd hwy i Weiniogion Cymru gan baragraff 30 o Atodlen 11 o Ddeddf Llywodraeth Cymru 2006 (p.32).

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

(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 (c.32).

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

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

Symiau y mae eu hangen at anghenion personol

2. Y swm y bydd awdurdod lleol yn rhagdybio y bydd ei angen ar berson at ei anghenion personol o dan adran 22(4) o Ddeddf Cymorth Gwladol 1948 fydd £23.00 yr wythnos.

Dirymu

3. Dirymir drwy hyn reoliad 2 o Reoliadau Cymorth Gwladol (Asesu Adnoddau a Symiau at Anghenion Personol) (Diwygio) (Cymru) 2010(1).

Diwygio rheoliad 20A o'r Prif Reoliadau

4.–(1) Yn y Prif Reoliadau, ym mharagraff (2) o reoliad 20A (Terfyn cyfalaf – Cymru), yn lle'r ffigur "£22,000", rhodder "£22,500".

(2) Ar ôl paragraff (2) o reoliad 20A, mewnosoder y paragraff canlynol–

"(3) No resident is liable to pay for accommodation, or contribute to the cost of accommodation, from capital where the resident's capital, calculated in accordance with regulation 21, does not exceed the amount specified in paragraph (2)."

Diwygio Atodlen 3 i'r Prif Reoliadau

5.–(1) Yn Rhan 1 o Atodlen 3 i'r Prif Reoliadau (symiau i'w diystyru wrth gyfrifo incwm ac eithrio enillion), ym mharagraff 10(1), yn lle "paragraphs 29 and 31, the amount specified in paragraph 15(1) of Schedule 9 to the Income Support Regulations (relevant payments) of", rhodder "paragraph 29,".

(2) Yn Rhan 2 o Atodlen 3 i'r Prif Reoliadau (darpariaethau arbennig mewn perthynas â thaliadau elusennol neu wirfoddol a rhai pensiynau)–

- (a) hepgorer paragraff 30; a
- (b) ym mharagraff 31, yn lle "paragraphs 10(1) and 11" rhodder "paragraph 11".

Diwygio Atodlen 4 i'r Prif Reoliadau

6. Yn Atodlen 4 i'r Prif Reoliadau (cyfalaf sydd i'w ddiystyru)–

- (a) ar ôl paragraff 10, mewnosoder–
"(10A) Any amount which would be disregarded under paragraph 12A of Schedule 10 to the Income Support Regulations (personal injury payments)

(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 is £23.00 per week.

Revocation

3. Regulation 2 of the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2010(1) is hereby revoked.

Amendment of regulation 20A of the Principal Regulations

4.–(1) In the Principal Regulations, in paragraph (2) of regulation 20A (Capital limit – Wales), replace the figure of "£22,000" with the figure "£22,500".

(2) After paragraph (2) of regulation 20A insert the following paragraph –

"(3) No resident is liable to pay for accommodation, or contribute to the cost of accommodation, from capital where the resident's capital, calculated in accordance with regulation 21, does not exceed the amount specified in paragraph (2)."

Amendment of Schedule 3 to the Principal Regulations

5.–(1) In Part 1 of Schedule 3 to the Principal Regulations (sums to be disregarded in the calculation of income other than earnings), in paragraph 10(1), for "paragraphs 29 and 31, the amount specified in paragraph 15(1) of Schedule 9 to the Income Support Regulations (relevant payments) of", substitute "paragraph 29,".

(2) In Part 2 of Schedule 3 to the Principal Regulations (special provisions relating to charitable or voluntary payments and certain pensions)–

- (a) omit paragraph 30; and
- (b) in paragraph 31, for "paragraphs 10(1) and 11 substitute "paragraph 11".

Amendment of Schedule 4 to the Principal Regulations

6. In Schedule 4 to the Principal Regulations (capital to be disregarded) –

- (a) after paragraph 10 insert –
"(10A) Any amount which would be disregarded under paragraph 12A of Schedule 10 to the Income Support Regulations (personal injury payments)

(1) O.S. 2010/799 (Cy.79)

(1) S.I. 2010/799 (W.79).

with the exception of any payment or any part of any payment that has been specifically identified by a court to deal with the cost of providing care.";

a

(b) yn lle paragraff 19(1) rhodder–

"Any amount which–

(a) falls within paragraph 44(2)(a), and would be disregarded under paragraph 44(1)(a) or (b), of Schedule 10 to the Income Support Regulations; or

(b) would be disregarded under paragraph 45(a) of that Schedule."

with the exception of any payment or any part of any payment that has been specifically identified by a court to deal with the cost of providing care.";

and

(b) for paragraph 19(1) substitute –

"Any amount which –

(a) falls within paragraph 44(2)(a), and would be disregarded under paragraph 44(1)(a) or (b), of Schedule 10 to the Income Support Regulations; or

(b) would be disregarded under paragraph 45(a) of that Schedule."

Gwenda Thomas

Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol o dan awdurdod y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru.

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

9 Mawrth 2011

9 March 2011

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