



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2012 Rhif 842 (Cy.115)

2012 No. 842 (W.115)

**GWASANAETHAU CYMORTH
GWLADOL, CYMRU**

**NATIONAL ASSISTANCE
SERVICES, WALES**

Rheoliadau Cymorth Gwladol
(Symiau at Anghenion Personol)
(Asesu Adnoddau a Diwygiadau
Amrywiol) (Cymru)
2012

The National Assistance (Sums for
Personal Requirements)
(Assessment of Resources and
Miscellaneous Amendments)
(Wales) Regulations 2012

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 rhagnodi'r 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 ("y Ddeddf"). Mae'r Rheoliadau hefyd yn diwygio Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992 ("y Rheoliadau Asesu") a Rheoliadau Cymorth Gwladol (Llety Preswyl) (Taliadau Ychwanegol, Cyfraniadau Perthnasol ac Asesu Adnoddau) (Cymru) 2003 ("Rheoliadau 2003"). Deuant i rym ar 9 Ebrill 2012.

These Regulations, which apply in relation to Wales, prescribe the sum which a local authority assumes a person to need for their personal requirements under section 22(4) of the National Assistance Act 1948 ("the Act"). The Regulations also amend the National Assistance (Assessment of Resources) Regulations 1992 ("the Assessment Regulations") and the National Assistance (Residential Accommodation) (Additional Payments, Relevant Contributions and Assessment of Resources) (Wales) Regulations 2003 ("the 2003 Regulations"). They come into force on 9 April 2012.

Mae adran 22(4) o Ddeddf Cymorth Gwladol 1948 ("y Ddeddf") yn ei gwneud yn ofynnol i awdurdodau lleol, wrth asesu gallu person i dalu am lety o dan Ran 3 o'r Ddeddf, ragdybio, yn niffyg anghenion arbennig, y bydd angen swm rhagnodedig ar berson at ei anghenion personol bob wythnos. Mae rheoliad 2 yn rhagnodi £24.00 fel y swm sydd ei angen at anghenion personol o dan adran 22(4).

Section 22(4) of the National Assistance Act 1948 ("the Act") requires local authorities, in assessing a person's ability to pay for accommodation under Part 3 of the Act, to assume, in the absence of special requirements, that a person requires a prescribed sum for their personal requirements per week. Regulation 2 prescribes £24.00 as the sum needed for personal requirements under section 22(4).

Mae rheoliad 3 yn dirymu rheoliad 2 o Rheoliadau Cymorth Gwladol (Asesu Adnoddau a Symiau at Anghenion Personol) (Diwygio) (Cymru) 2011 a oedd gynt yn rhagnodi'r swm at anghenion personol o dan adran 22(4).

Regulation 3 revokes regulation 2 of the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2011 which previously prescribed the sum for personal requirements under section 22(4).

Mae rheoliad 4 yn diwygio'r Rheoliadau Asesu fel bod y terfyn cyfalaf a nodir yn rheoliad 20A yn newid i £23,250.

Regulation 4 amends the Assessment Regulations so that the capital limit set out in regulation 20A becomes £23,250.

Mae rheoliad 5 yn gwneud rhai diwygiadau technegol i Reoliadau 2003. Yn flaenorol, yr oedd dau derfyn cyfalaf, terfyn isaf a therfyn uchaf, a oedd yn cael eu defnyddio i asesu gallu unigolyn i dalu am lety o dan Ran 3 o'r Ddeddf. Yng Nghymru, yn rhinwedd Rheoliadau Cymorth Gwladol (Asesu Adnoddau a Symiau at Anghenion Personol) (Diwygio) (Cymru) 2010, rhoddwyd un terfyn cyfalaf yn lle'r ddau derfyn cyfalaf. Mae rheoliad 5 yn dileu cyfeiriadau at y terfyn isaf sy'n aros yn Rheoliadau 2003.

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 gan yr Is-adran Polisi Gwasanaethau Cymdeithasol Oedolion, Adran Iechyd, Gwasanaethau Cymdeithasol a Phlant, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Regulation 5 makes some technical amendments to the 2003 Regulations. There were previously two capital limits, a lower and upper limit, which were used in the assessment of an individual's ability to pay for accommodation under Part 3 of the Act. The two capital limits were replaced with one single capital limit in Wales by virtue of the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2010. Regulation 5 removes references to the lower limit which remain in the 2003 Regulations.

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 at Adult Social Services Policy Division, Department of Health, Social Services and Children, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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GWLADOL, CYMRU**

Rheoliadau Cymorth Gwladol
(Symiau at Anghenion Personol)
(Asesu Adnoddau a Diwygiadau
Amrywiol) (Cymru)
2012

Gwnaed 14 Mawrth 2012

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 16 Mawrth 2012

Yn dod i rym 9 Ebrill 2012

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 a ganlyn.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cymorth Gwladol (Symiau at Anghenion Personol) (Asesu Adnoddau a Diwygiadau Amrywiol) (Cymru) 2012.

(2) Daw'r Rheoliadau hyn i rym ar 9 Ebrill 2012.

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

2012 No. 842 (W.115)

**NATIONAL ASSISTANCE
SERVICES, WALES**

The National Assistance (Sums for
Personal Requirements)
(Assessment of Resources and
Miscellaneous Amendments)
(Wales) Regulations 2012

Made 14 March 2012

*Laid before the National
Assembly for Wales* 16 March 2012

Coming into force 9 April 2012

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.

Title, commencement and application

1.—(1) The title of these Regulations is the National Assistance (Sums for Personal Requirements) (Assessment of Resources and Miscellaneous Amendments) (Wales) Regulations 2012.

(2) These Regulations come into force on 9 April 2012.

(3) These Regulations apply in relation to Wales.

(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 eu trefn, ac erthygl 2 o Orchymyn yr Ysgrifennydd Gwladol dros Wasanaethau Cymdeithasol 1968 (O.S. 1968/1699) a throsglwyddodd 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 wedi hynny i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(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 section 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 subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

Symiau sydd eu hangen at anghenion personol

2. Y swm y mae awdurdod lleol i ragdybio y bydd ei angen ar berson at ei anghenion personol o dan adran 22(4) o Ddeddf Cymorth Gwladol 1948 yw £24.00 yr wythnos.

Dirymu

3. Mae rheoliad 2 o Reoliadau Cymorth Gwladol (Asesu Adnoddau a Symiau at Anghenion Personol) (Diwygio) (Cymru) 2011(1) drwy hyn wedi ei ddirymu.

Diwygio rheoliad 20A o Reoliadau Cymorth Gwladol (Asesu Adnoddau) 1992

4. Yn Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992(2), ym mharagraff (2) o reoliad 20A (Terfyn cyfalaf — Cymru), yn lle'r ffigur "£22,500" rhodder y ffigur "£23,250".

Diwygio Rheoliadau Cymorth Gwladol (Llety Preswyl) (Taliadau Ychwanegol, Cyfraniadau Perthnasol ac Asesu Adnoddau) (Cymru) 2003

5.—(1) Mae Rheoliadau Cymorth Gwladol (Llety Preswyl) (Taliadau Ychwanegol, Cyfraniadau Perthnasol ac Asesu Adnoddau) (Cymru) 2003(3) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2—

(a) ar ôl y diffiniad o "y Rheoliadau Asesu" mewnosoder—

"ystyr "terfyn cyfalaf" ("*capital limit*") yw'r swm cyfalaf a bennir yn rheoliad 20A(2) o'r Rheoliadau Asesu."; a

(b) hepgorer y diffiniad o "terfyn cyfalaf isaf".

(3) Yn rheoliad 4(2)(b) ac (c), hepgorer "isaf" yn y ddau le y mae'n ymddangos.

(4) Mae rheoliad 5(2) drwy hyn wedi ei ddirymu(4).

Sums needed for personal requirements

2. The sum which a local authority is to assume a person to need for his or her personal requirements under section 22(4) of the National Assistance Act 1948 is £24.00 per week.

Revocation

3. Regulation 2 of the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2011(1) is hereby revoked.

Amendment of regulation 20A of the National Assistance (Assessment of Resources) Regulations 1992

4. In the National Assistance (Assessment of Resources) Regulations 1992(2), in paragraph (2) of regulation 20A (Capital limit — Wales), replace the figure of "£22,500" with the figure "£23,250".

Amendment of the National Assistance (Residential Accommodation) (Additional Payments, Relevant Contributions and Assessment of Resources) (Wales) Regulations 2003

5.—(1) The National Assistance (Residential Accommodation) (Additional Payments, Relevant Contributions and Assessment of Resources) (Wales) Regulations 2003(3) are amended as follows.

(2) In regulation 2—

(a) after the definition of "the Assessment Regulations" insert—

"capital limit" ("*terfyn cyfalaf*") means the capital amount specified in regulation 20A(2) of the Assessment Regulations;"; and

(b) omit the definition of "lower capital limit".

(3) In regulation 4(2)(b) and (c), omit "lower" in both places it appears.

(4) Regulation 5(2) is hereby revoked(4).

(1) O.S. 2011/708 (Cy.110).

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

(3) O.S. 2003/931 (Cy.121).

(4) Mewnosododd rheoliad 5(2) baragraff (4) yn rheoliad 28 o Reoliadau Cymorth Gwladol (Asesu Adnoddau) 1992. Wedi hynny dirymwyd rheoliad 28 gan reoliad 2(4) o Reoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygio) (Cymru) 2005 (O.S. 2005/662 (Cy.52)).

(1) S.I. 2011/708 (W.110).

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

(3) S.I. 2003/931 (W.121).

(4) Regulation 5(2) inserted paragraph (4) into regulation 28 of the National Assistance (Assessment of Resources) Regulations 1992. Regulation 28 was subsequently revoked by regulation 2(4) of the National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2005 (S.I. 2005/662 (W.52)).

Gwenda Thomas

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

14 Mawrth 2012

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

14 March 2012

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