



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2013 Rhif 633 (Cy.69)

2013 No. 633 (W.69)

**GOFAL CYMDEITHASOL,
CYMRU**

**SOCIAL CARE,
WALES**

Rheoliadau Cymorth Gwladol a
Ffioedd Gofal Cymdeithasol
(Cymru) (Diwygiadau Amrywiol)
2013

The National Assistance and Social
Care Charges (Wales)
(Miscellaneous Amendments)
Regulations 2013

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 i Reoliadau Cymorth Gwladol (Asesu Adnoddau) 1992 ("Rheoliadau 1992"), a Rheoliadau Ffioedd Gofal Cymdeithasol (Asesu Modd a Phenderfynu Ffioedd) (Cymru) 2011 a Rheoliadau Ffioedd Gofal Cymdeithasol (Taliadau Uniongyrchol) (Asesu Modd a Phenderfynu ar Ad-daliad neu Gyfraniad) (Cymru) 2011 y cyfeirir atynt gyda'i gilydd fel ("y Rheoliadau Ffioedd Gofal Cymdeithasol").

These Regulations make amendments to the National Assistance (Assessment of Resources) Regulations 1992 ("the 1992 Regulations"), and the Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011 and the Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011 together referred to as ("the Social Care Charges Regulations").

Mae Rheoliadau 1992 yn ymwneud ag asesu gallu person i dalu am lety a drefnir gan awdurdodau lleol o dan Ran 3 o Ddeddf Cymorth Gwladol 1948.

The 1992 Regulations concern the assessment of the ability of a person to pay for accommodation arranged by local authorities under Part 3 of the National Assistance Act 1948.

Mae rheoliad 3 yn diwygio Rheoliadau 1992 i ddiystyru unrhyw daliad annibyniaeth y lluoedd arfog yn ei gyfanrwydd a thaliad incwm gwarantedig yn ei gyfanrwydd, yn hytrach nag yn rhannol yn unig, wrth gyfrifo incwm ac eithrio enillion at ddibenion asesu gallu person i dalu am y llety hwnnw. Mae taliad annibyniaeth y lluoedd arfog yn daliad a wneir o dan Orchymyn y Lluoedd Arfog a'r Lluoedd Wrth Gefn (Cynllun Iawndal) 2011. Mae taliad incwm gwarantedig yn daliad misol i ddigolledu am gollir gallu i ennill a wneir pan fo'r prif achos o anaf neu salwch o ganlyniad i wasanaethu yn y Lluoedd Arfog.

Regulation 3 amends the 1992 Regulations to disregard any armed forces independence payment in its entirety and a guaranteed income payment in its entirety, rather than only partially, from the calculation of income other than earnings for the purposes of assessing a person's ability to pay for that accommodation. An armed forces independence payment is a payment made under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011. A guaranteed income payment is a monthly loss of earnings capacity compensation payment made where the predominant cause of injury or illness is as a result of service in the Armed Forces.

Mae rheoliad 3 hefyd yn diwygio Rheoliadau 1992 i ddiystyru'r £10 cyntaf o daliad incwm gwarantedig goroeswr a wneir o dan Orchymyn y Lluoedd Arfog a'r

Regulation 3 also amends the 1992 Regulations to disregard the first £10 of a survivor's guaranteed income payment made under the Armed Forces and

Lluoedd Wrth Gefn (Cynllun Digolledu) 2011. Mae taliad incwm gwarantedig goroeswr yn daliad a wneir tan farwolaeth priod, partner sifil neu ddibynnydd mewn oed sy'n goroesi.

Mae'r Rheoliadau Ffioedd Gofal Cymdeithasol yn ymwneud ag asesu gallu person i dalu am wasanaethau gofal cymdeithasol dibreswyl a drefnir gan awdurdod lleol o dan Fesur Codi Ffioedd am Wasanaethau Gofal Cymdeithasol (Cymru) 2010.

Mae rheoliadau 4 a 5 yn diwygio rheoliadau 14 ac 16 o'r Rheoliadau Ffioedd Gofal Cymdeithasol yn y drefn honno i ddiystyru unrhyw daliad incwm gwarantedig ac unrhyw daliad annibyniaeth y lluoedd arfog yn eu cyfanrwydd wrth gyfrifo gallu person i dalu am wasanaethau gofal cymdeithasol dibreswyl.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd aseiad effaith rheoleiddiol o'r costau a'r buddiannau sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Is-adran Polisi a Strategaethau Gwasanaethau Cymdeithasol, Yr Adran Iechyd, Gwasanaethau Cymdeithasol a Phlant, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

Reserve Forces (Compensation Scheme) Order 2011. A survivor's guaranteed income payment is a payment made until death to a surviving spouse, civil partner or surviving adult dependent.

The Social Care Charges Regulations concern the assessment of the ability of a person to pay for non-residential social care services arranged by a local authority under the Social Care Charges (Wales) Measure 2010.

Regulations 4 and 5 amend regulations 14 and 16 respectively of the Social Care Charges Regulations to disregard any guaranteed income payment and armed forces independence payment, in their entirety, from the calculation of a person's ability to pay for non-residential social care services.

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 from Social Services Policy and Strategies Division, the Department for Health, Social Services and Children, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

2013 Rhif 633 (Cy.69)

**GOFAL CYMDEITHASOL,
CYMRU**

**Rheoliadau Cymorth Gwladol a
Ffioedd Gofal Cymdeithasol
(Cymru) (Diwygiadau Amrywiol)
2013**

Gwnaed 15 Mawrth 2013

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 18 Mawrth 2013

Yn dod i rym 8 Ebrill 2013

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 sydd bellach wedi eu breinio ynddynt hwy(2) a thrwy arfer y pwerau a roddwyd iddynt gan adrannau 2(2), 5(4), 12 a 17(2) o Fesur Codi Ffioedd am Wasanaethau Gofal Cymdeithasol (Cymru) 2010(3), yn gwneud y Rheoliadau a ganlyn.

Enwi, cychwyn, dehongli a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cymorth Gwladol a Ffioedd Gofal Cymdeithasol (Cymru) (Diwygiadau Amrywiol) 2013.

(2) Daw'r Rheoliadau hyn i rym ar 8 Ebrill 2013.

(3) Yn y Rheoliadau hyn, ystyr "Rheoliadau 1992" ("*the 1992 Regulations*") yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992(4).

(1) 1948 p. 29.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 22(4) a (5) o'r Ddeddf Cymorth Gwladol i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(3) 2010 mccc 2.

(4) O.S. 1992/2977.

2013 No. 633 (W.69)

**SOCIAL CARE,
WALES**

**The National Assistance and Social
Care Charges (Wales)
(Miscellaneous Amendments)
Regulations 2013**

Made 15 March 2013

*Laid before the National
Assembly for Wales* 18 March 2013

Coming into force 8 April 2013

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) and in exercise of the powers conferred upon them by sections 2(2), 5(4), 12 and 17(2) of the Social Care Charges (Wales) Measure 2010(3), make the following Regulations.

**Title, commencement, interpretation and
application**

1.—(1) The title of these Regulations is the National Assistance and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2013.

(2) These Regulations come into force on 8 April 2013.

(3) In these Regulations "the 1992 Regulations" ("*Rheoliadau 1992*") means the National Assistance (Assessment of Resources) Regulations 1992(4).

(1) 1948 c. 29.

(2) The functions of the Secretary of State under section 22(4) and (5) of the National Assistance Act 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) 2010 nawm 2.

(4) S.I. 1992/2977.

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

(4) These Regulations apply in relation to Wales.

Diwygiadau i Reoliadau 1992

2. Ym mharagraff (1) o reoliad 2 o Reoliadau 1992, ar ôl y diffiniad o "the Act" mewnosoder—

""armed forces independence payment" means an armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;"(1)

3. Yn Atodlen 3 i Reoliadau 1992 (symiau sydd i'w diystyru wrth gyfrifo incwm ac eithrio enillion)—

(a) ar ôl paragraff 4 mewnosoder—

"4A. Any armed forces independence payment.";

(b) ym mharagraff 11, ar ôl "Income Support Regulations" (specified provisions)" mewnosoder—

"save for paragraph 16(cc)";

(c) ar ôl paragraff 11 mewnosoder—

"11A. Any guaranteed income payment referred to in article 15(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.

11B. Subject to paragraph 31, £10 of any survivor's guaranteed income payment referred to in article 29(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 and, if the amount of that payment has been abated to less than £10 by a pension falling within article 39(1)(a) of that Order, so much of that pension as would not, in aggregate with the amount of any survivor's guaranteed income payment disregarded, exceed £10."; ac

(d) ym mharagraff 31, yn lle "paragraph 11", rhodder "paragraphs 11 and 11B".

Diwygiadau i Reoliadau Ffioedd Gofal Cymdeithasol (Asesu Modd a Phenderfynu Ffioedd) (Cymru) 2011

4. Yn rheoliad 14 o Reoliadau Ffioedd Gofal Cymdeithasol (Asesu Modd a Phenderfynu Ffioedd) (Cymru) 2011(2) (proses yr asesiad modd)—

(a) ar ddiwedd paragraff (4)(c), hepgorer "a";

(b) ar ddiwedd paragraff (4)(ch) yn lle'r atalnod llawn rhodder ","; ac

(c) ar ôl paragraff (4)(ch) mewnosoder—

"(d) diystyru yn llawn unrhyw daliad incwm gwarantedig y cyfeirir ato yn erthygl 15(1)(c) o Orchymyn y Lluoedd Arfog (Cynllun Iawndal) 2011; a

Amendments to the 1992 Regulations

2. In paragraph (1) of regulation 2 of the 1992 Regulations, after the definition of "the Act" insert—

""armed forces independence payment" means an armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;"(1).

3. In Schedule 3 to the 1992 Regulations (sums to be disregarded in the calculation of income other than earnings)—

(a) after paragraph 4 insert—

"4A. Any armed forces independence payment.";

(b) in paragraph 11, after "Income Support Regulations (specified provisions)" insert—

"save for paragraph 16(cc)";

(c) after paragraph 11 insert—

"11A. Any guaranteed income payment referred to in article 15(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.

11B. Subject to paragraph 31, £10 of any survivor's guaranteed income payment referred to in article 29(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 and, if the amount of that payment has been abated to less than £10 by a pension falling within article 39(1)(a) of that Order, so much of that pension as would not, in aggregate with the amount of any survivor's guaranteed income payment disregarded, exceed £10."; and

(d) in paragraph 31, for "paragraph 11" substitute "paragraphs 11 and 11B".

Amendments to the Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011

4. In regulation 14 of the Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011(2) (means assessment process)—

(a) at the end of paragraph (4)(c) omit "and";

(b) at the end of paragraph (4)(d) for the full-stop substitute ","; and

(c) after paragraph (4)(d) insert—

"(e) disregard in full any guaranteed income payment referred to in article 15(1)(c) of the Armed Forces (Compensation Scheme) Order 2011; and

(1) O.S. 2011/517.

(2) O.S. 2011/962 (Cy.136).

(1) S.I. 2011/517.

(2) S.I. 2011/962 (W. 136).

(dd) diystyru yn llawn unrhyw daliad annibyniaeth y lluoedd arfog a wneir o dan Orchymyn y Lluoedd Arfog a'r Lluoedd Wrth Gefn (Cynllun Digolledu) 2011."

(f) disregard in full any armed forces independence payment made under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011."

Diwygiadau i Reoliadau Ffioedd Gofal Cymdeithasol (Taliadau Uniongyrchol) (Asesu Modd a Phenderfynu ar Ad-daliad neu Gyfraniad) (Cymru) 2011

5. Yn rheoliad 16 o Reoliadau Ffioedd Gofal Cymdeithasol (Taliadau Uniongyrchol) (Asesu Modd a Phenderfynu ar Ad-daliad neu Gyfraniad) (Cymru) 2011(1)(proses yr asesiad modd)—

- (a) ar ddiwedd paragraff (4)(c), hepgorer "a";
- (b) ar ddiwedd paragraff (4)(ch) yn lle'r atalnod llawn rhodder ";"; ac
- (c) ar ôl paragraff (4)(ch) mewnosoder—
 - "(d) diystyru yn llawn unrhyw daliad incwm gwarantedig y cyfeirir ato yn erthygl 15(1)(c) o Orchymyn y Lluoedd Arfog a'r Lluoedd Wrth Gefn (Cynllun Digolledu) 2011; a
 - (dd) diystyru yn llawn unrhyw daliad annibyniaeth y lluoedd arfog a wneir o dan Orchymyn y Lluoedd Arfog a'r Lluoedd Wrth Gefn (Cynllun Digolledu) 2011."

Amendments to the Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011

5. In regulation 16 of the Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011(1)(means assessment process)—

- (a) at the end of paragraph (4)(c) omit "and";
- (b) at the end of paragraph (4)(d) for the full-stop substitute ";"; and
- (c) after paragraph (4)(d) insert—
 - “(e) disregard in full any guaranteed income payment referred to in article 15(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011; and
 - (f) disregard in full any armed forces independence payment made under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”.

Gwenda Thomas

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

15 Mawrth 2013

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

15 March 2013

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