

YR ATODLEN

DIWYGIO CYNLLUN PENSIWN Y DYNION TÂN (CYMRU)

4. Yn Rhan D (dyfardaliadau yn sgil marwolaeth —plant), yn lle rheol D5 (lwfans plentyn neu arian rhodd arbennig – cyfyngiadau) rhodder—

“D5 Child’s allowance: limitations and duration

(1) Subject to paragraphs (2) and (3), a child is not eligible if the child—

- (a) is 18 or older;
- (b) has ceased full-time education and is in paid employment; or
- (c) is married or has entered into a civil partnership.

(2) A child aged 18 but not more than 23 is eligible if the child is in full-time education or attending a course of at least one year’s duration.

(3) A child aged 18 or more is eligible if, when the deceased dies, the child is dependent on the deceased by reason of permanent disablement.

(4) A child is not eligible if the child is convicted of the murder of the deceased, but this is subject to paragraph (6).

(5) Subject to paragraph (7), where the child is convicted of the manslaughter of the deceased, the authority may as they think fit, withhold the child’s allowance—

- (a) in whole or in part, and
- (b) permanently or temporarily.

(6) Where a conviction of the description mentioned in paragraph (4) is quashed on appeal—

- (a) a child’s pension is payable from the day after that on which the deceased died, and
- (b) the authority must, as soon as reasonably practicable after the conviction is quashed, pay the arrears of allowance accrued.

(7) Where—

- (a) a conviction of the description mentioned in paragraph (5) is quashed on appeal, and
- (b) the authority have withheld any part of the child’s allowance,

the authority’s decision under paragraph (5) is to be treated as revoked and they must, as soon as reasonably practicable after the conviction is quashed, pay the arrears of allowance accrued from the day after that on which the deceased died.

(8) Nothing in paragraph (6) or (7) affects the application of paragraph (4) or (5) if the child whose conviction is quashed is subsequently convicted of the murder or manslaughter of the deceased.

(9) A child’s allowance ceases to be payable—

- (a) unless paragraph (2) or (3) applies, on the child’s 18th birthday or on the occurrence of the event referred to in paragraph (1)(b) or (c), whichever first occurs;
- (b) where paragraph (2) applies, on the child’s 23rd birthday or the day on which the child’s full-time education or course ceases, whichever first occurs;
- (c) where paragraph (3) applies, when the authority are satisfied—
 - (i) that the child is no longer permanently disabled; or
 - (ii) that the child’s allowance should not have been awarded.

(10) Unless paragraph (9)(c) applies, an allowance for which a child is eligible as mentioned in paragraph (3) is payable for life.”