



---

OFFERYNNAU STATUDOL  
CYMRU

---

---

WELSH STATUTORY  
INSTRUMENTS

---

**2014 Rhif 666 (Cy. 73)**

**2014 No. 666 (W. 73)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**SOCIAL CARE, WALES**

Rheoliadau Cymorth Gwladol  
(Symiau at Anghenion Personol)  
(Asesu Adnoddau) a Ffioedd Gofal  
Cymdeithasol (Cymru)  
(Diwygiadau Amrywiol) 2014

The National Assistance (Sums for  
Personal Requirements)  
(Assessment of Resources) and  
Social Care Charges (Wales)  
(Miscellaneous Amendments)  
Regulations 2014

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru, yn gwneud diwygiadau i Reoliadau Cymorth Gwladol (Asesu Adnoddau) 1992 ("y Rheoliadau Asesu Adnoddau"), Rheoliadau Ffioedd Gofal Cymdeithasol (Asesu Modd a Phenderfynu Ffioedd) (Cymru) 2011 ("y Rheoliadau Penderfynu Ffioedd") a Rheoliadau Ffioedd Gofal Cymdeithasol (Taliadau Uniongyrchol) (Asesu Modd a Phenderfynu ar Ad-daliad neu Gyfraniad) (Cymru) 2011 ("y Rheoliadau Taliadau Uniongyrchol"). Mae'r Rheoliadau hyn hefyd yn dirymu rheoliad 2 o Reoliadau Cymorth Gwladol (Symiau at Anghenion Personol) a Chymorth Gwladol (Asesu Adnoddau) (Diwygio) (Cymru) 2013 ("Rheoliadau 2013").

These Regulations, which apply in relation to Wales, make amendments to the National Assistance (Assessment of Resources) Regulations 1992 ("the Assessment of Resources Regulations"), the Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011 ("the Determination of Charges Regulations") and the Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011 ("the Direct Payment Regulations"). These Regulations also revoke regulation 2 of The National Assistance (Sums for Personal Requirements) and National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2013 ("the 2013 Regulations").

Mae'r Rheoliadau Asesu Adnoddau 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 Assessment of Resources 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 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, fod angen swm rhagnodedig ar berson at ei anghenion personol bob wythnos. Mae rheoliad 2 yn rhagnodi £25.00 fel y swm y mae ei angen at anghenion personol o dan adran 22(4).

Mae rheoliad 3 yn dirymu rheoliad 2 o Reoliadau 2013 a oedd gynt yn rhagnodi’r swm at anghenion personol o dan adran 22(4).

Mae rheoliad 4 yn diwygio’r Rheoliadau Asesu Adnoddau fel y daw’r terfyn cyfalaf a nodir yn rheoliad 20A yn £24,000. Y terfyn cyfalaf yn rheoliad 20A yw uchafswm y cyfalaf y caniateir i berson ei gael cyn i’r person hwnnw ddod yn atebol i dalu am gost unrhyw lety a drefnir o dan Ran 3 o’r Ddeddf, neu i gyfrannu o gyfalaf tuag at y gost honno.

Mae rheoliad 5 o’r Rheoliadau Penderfynu Ffioedd a rheoliad 5 o’r Rheoliadau Taliadau Uniongyrchol yn rhagnodi yn eu trefn uchafswm rhesymol y ffi am wasanaeth a’r uchafswm rhesymol o ad-daliad neu gyfraniad sy’n daladwy am y gwasanaeth hwnnw. Mae rheoliadau 5(2) a 6(2) o’r Rheoliadau hyn yn diwygio’r Rheoliadau Penderfynu Ffioedd a’r Rheoliadau Taliadau Uniongyrchol fel y daw yr uchafswm a nodir yn y naill a’r llall o’r Rheoliadau yn £55.00.

Mae rheoliadau 5(3) a 6(3) yn diwygio rheoliadau 14(4) ac 16(4) o’r Rheoliadau Penderfynu Ffioedd a’r Rheoliadau Taliadau Uniongyrchol yn eu trefn i gynnwys diystyru’r £10 gyntaf o daliad incwm gwarantedig goroeswr a wneir o dan Orchymyn y Lluoedd Arfog a’r 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 diwygiad hwn wedi ei wneud er mwyn sicrhau nad yw’r asesiadau modd i bobl sy’n defnyddio gwasanaethau dibreswyl yn llai ffafriol na’r asesiadau modd o dan Reoliadau Cymorth Gwladol (Asesu Adnoddau) 1992 i bobl sy’n cael gofal preswyl.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â’r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o’r costau a’r manteision sy’n debygol o ddeillio o gydymffurfio â’r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Is-adran Cyflawni Polisiâu ar gyfer Plant ac Oedolion, Yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

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 £25.00 as the sum needed for personal requirements under section 22(4).

Regulation 3 revokes regulation 2 of the 2013 Regulations which previously prescribed the sum for personal requirements under section 22(4).

Regulation 4 amends the Assessment of Resources Regulations so that the capital limit set out in regulation 20A becomes £24,000. The capital limit in regulation 20A is the maximum amount of capital a person may have before that person becomes liable to pay for, or contribute from capital towards the cost of any accommodation arranged under Part 3 of the Act.

Regulation 5 of the Determination of Charges Regulations and regulation 5 of the Direct Payment Regulations respectively prescribe the maximum reasonable charge for a service and the maximum reasonable amount of a reimbursement or contribution payable for that service. Regulations 5(2) and 6(2) of these Regulations amend the Determination of Charges Regulations and the Direct Payment Regulations so that the maximum amount set out in both Regulations becomes £55.00.

Regulations 5(3) and 6(3) amend regulations 14(4) and 16(4) respectively of the Determination of Charges Regulations and the Direct Payment Regulations to include a disregard of the first £10 of a survivor’s guaranteed income payment made under the Armed Forces and 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. This amendment is made to ensure that means assessments for people receiving non residential services are no less favourable than means assessments under the National Assistance (Assessment of Resources) Regulations 1992 for people receiving residential care.

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 benefit of complying with these Regulations. A copy can be obtained from the Delivering Policy for Children and Adults Division, the Department for Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

**2014 Rhif 666 (Cy. 73)**

**GOFAL CYMDEITHASOL,  
CYMRU**

Rheoliadau Cymorth Gwladol  
(Symiau at Anghenion Personol)  
(Asesu Adnoddau) a Ffioedd Gofal  
Cymdeithasol (Cymru)  
(Diwygiadau Amrywiol) 2014

*Gwnaed* 14 Mawrth 2014

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 17 Mawrth 2014

*Yn dod i rym* 7 Ebrill 2014

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), a thrwy arfer y pwerau a roddwyd iddynt gan adrannau 2(2), 7(2), 12(2) a 17(2) o Fesur Codi Ffioedd am Wasanaethau Gofal Cymdeithasol (Cymru) 2010(3), 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 Ffioedd Gofal Cymdeithasol (Cymru) (Diwygiadau Amrywiol) 2014.

(2) Daw'r Rheoliadau hyn i rym ar 7 Ebrill 2014 2014.

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

---

(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 i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).  
(3) 2010 mecc 2.

**2014 No. 666 (W. 73)**

**SOCIAL CARE, WALES**

The National Assistance (Sums for  
Personal Requirements)  
(Assessment of Resources) and  
Social Care Charges (Wales)  
(Miscellaneous Amendments)  
Regulations 2014

*Made* 14 March 2014

*Laid before the National Assembly for Wales*  
17 March 2014

*Coming into force* 7 April 2014

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), 7(2), 12(2) and 17(2) of the Social Care Charges (Wales) Measure 2010(3), 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 Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2014.

(2) These Regulations come into force on 7 April 2014.

(3) These Regulations apply in relation to Wales.

---

(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.

## RHAN 1

### Symiau at Anghenion Personol

#### Y symiau y mae eu hangen at anghenion personol

2. Y swm y mae awdurdod lleol i ragdybio bod ei angen ar berson at ei anghenion personol o dan adran 22(4) o Ddeddf Cymorth Gwladol 1948 yw £25.00 bob wythnos.

#### Dirymu

3. Mae rheoliad 2 o Reoliadau Cymorth Gwladol (Symiau at Anghenion Personol) a Chymorth Gwladol (Asesu Adnoddau) (Diwygio) (Cymru) 2013(1) wedi ei ddirymu.

## RHAN 2

### Terfyn Cyfalaf

#### Diwygio'r Terfyn Cyfalaf

4. Ym mharagraff (2) o reoliad 20A (Terfyn Cyfalaf – Cymru) o Reoliadau Cymorth Gwladol (Asesu Adnoddau) 1992(2), yn lle'r ffigur “£23,750” rhodder y ffigur “£24,000”.

## RHAN 3

### Diwygiadau i'r Rheoliadau Ffioedd Gofal Cymdeithasol

#### Diwygio Rheoliadau Ffioedd Gofal Cymdeithasol (Asesu Modd a Phenderfynu Ffioedd) (Cymru) 2011

5.—(1) Mae Rheoliadau Ffioedd Gofal Cymdeithasol (Asesu Modd a Phenderfynu Ffioedd) (Cymru) 2011(3) wedi eu diwygio fel a ganlyn—

(2) Yn rheoliad 5 (uchafswm rhesymol y ffi am wasanaeth)—

- (a) ym mharagraff (2) yn lle'r ffigur “£50” rhodder y ffigur “£55.00”, a
- (b) ym mharagraff (3) yn lle'r ffigur “£50” rhodder y ffigur “£55.00”.

(3) Yn rheoliad 14(4) (proses yr asesiad modd)—

## PART 1

### Sums for Personal Requirements

#### Sums needed for personal requirements

2. The sum which a local authority is to assume a person needs for his or her personal requirements under section 22(4) of the National Assistance Act 1948 is £25.00 per week.

#### Revocation

3. Regulation 2 of the National Assistance (Sums for Personal Requirements) and National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2013(1) is revoked.

## PART 2

### Capital Limit

#### Amendment of Capital Limit

4. In paragraph (2) of regulation 20A (Capital Limit – Wales) of the National Assistance (Assessment of Resources) Regulations 1992(2), replace the figure of “£23,750” with the figure “£24,000”.

## PART 3

### Amendments to the Social Care Charges Regulations

#### Amendment of the Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011

5.—(1) The Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011(3) are amended as follows—

(2) In regulation 5 (maximum reasonable charge for a service)—

- (a) in paragraph (2) replace the figure of “£50” with the figure “£55.00”, and
- (b) in paragraph (3) replace the figure of “£50” with the figure “£55.00”.

(3) In regulation 14(4) (means assessment process)—

---

(1) O.S. 2013/631 (Cy. 68).  
(2) O.S. 1992/2977.  
(3) O.S. 2011/962 (Cy. 136).

---

(1) S.I. 2013/631 (W. 68).  
(2) S.I. 1992/2977.  
(3) S.I. 2011/962 (W. 136).

- (a) yn is-baragraff (d) ar ôl y geiriau “Lluoedd Arfog” mewnosoder—  
“a’r Lluoedd Wrth Gefn”; a
- (b) ar ddiwedd is-baragraff (d) hepgorer “a” ac ar ôl is-baragraff (d) mewnosoder—  
“(da) diystyru £10 o unrhyw daliad incwm gwarantedig goroeswr y cyfeirir ato yn erthygl 29(1)(a) o Orchymyn y Lluoedd Arfog a’r Lluoedd Wrth Gefn (Cynllun Digolledu) 2011(1) ac, os yw swm y taliad hwnnw wedi ei leihau i lai na £10 gan bensiwn sy’n dod o fewn erthygl 39(1)(a) o’r Gorchymyn hwnnw, gymaint o’r pensiwn hwnnw na fyddai, ynghyd â swm unrhyw daliad incwm gwarantedig goroeswr sydd wedi ei ddiystyru, yn fwy na £10; ac”.

**Diwygio Rheoliadau Ffioedd Gofal Cymdeithasol (Taliadau Uniongyrchol) (Asesu Modd a Phenderfynu ar Ad-daliad neu Gyfraniad) (Cymru) 2011**

6.—(1) Mae Rheoliadau Ffioedd Gofal Cymdeithasol (Taliadau Uniongyrchol) (Asesu Modd a Phenderfynu ar Ad-daliad neu Gyfraniad) (Cymru) 2011(2) wedi eu diwygio fel a ganlyn—

(2) Yn rheoliad 5 (yr uchafswm rhesymol o ad-daliad neu gyfraniad sy’n daladwy)—

- (a) ym mharagraff (1) yn lle’r ffigur “£50” rhodder y ffigur “£55.00”, a
- (b) ym mharagraff (2) yn lle’r ffigur “£50” rhodder y ffigur “£55.00”.

(3) Yn rheoliad 16(4) (proses yr asesiad modd) ar ddiwedd is-baragraff (d) hepgorer “a” ac ar ôl is-baragraff (d) mewnosoder—

“(da) diystyru £10 o unrhyw daliad incwm gwarantedig goroeswr y cyfeirir ato yn erthygl 29(1)(a) o Orchymyn y Lluoedd Arfog a’r Lluoedd Wrth Gefn (Cynllun Digolledu) 2011 ac, os yw swm y taliad hwnnw wedi ei leihau i lai na £10 gan bensiwn sy’n dod o fewn erthygl 39(1)(a) o’r Gorchymyn hwnnw, gymaint o’r pensiwn hwnnw na fyddai, ynghyd â swm unrhyw daliad incwm gwarantedig goroeswr sydd wedi ei ddiystyru, yn fwy na £10; ac”.

- (a) in sub-paragraph (e) after the words “Armed Forces” insert—  
“and Reserve Forces”; and
- (b) at the end of sub-paragraph (e) omit “and” and after sub-paragraph (e) insert—  
“(ea) disregard £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(1) 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”.

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

6.—(1) The Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011(2) are amended as follows—

(2) In regulation 5 (maximum reasonable amount of a reimbursement or contribution payable)—

- (a) in paragraph (1) replace the figure of “£50” with the figure “£55.00”, and
- (b) in paragraph (2) replace the figure of “£50” with the figure “£55.00”.

(3) In regulation 16(4) (means assessment process) at the end of sub-paragraph (e) omit “and” and after sub-paragraph (e) insert—

“(ea) disregard £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”.

(1) O.S. 2011/517.  
(2) O.S. 2011/963 (W. 137).

(1) S.I. 2011/517.  
(2) S.I. 2011/963 (W. 137).

*Gwenda Thomas*

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

14 Mawrth 2014

---

©<sup>®</sup> Hawlfraint y Goron 2014

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

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

14 March 2014

---

© Crown copyright 2014

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.



---

OFFERYNNAU STATUDOL  
CYMRU

---

---

WELSH STATUTORY  
INSTRUMENTS

---

**2014 Rhif 666 (Cy. 73)**

**2014 No. 666 (W. 73)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**SOCIAL CARE, WALES**

Rheoliadau Cymorth Gwladol  
(Symiau at Anghenion Personol)  
(Aseu Adnoddau) a Ffioedd Gofal  
Cymdeithasol (Cymru)  
(Diwygiadau Amrywiol) 2014

The National Assistance (Sums for  
Personal Requirements)  
(Assessment of Resources) and  
Social Care Charges (Wales)  
(Miscellaneous Amendments)  
Regulations 2014

£5.75

W1901/03/14

ON

ISBN 978-0-348-10926-9



9 780348 109269