OFFERYNNAU STATUDOL CYMRU

2015 Rhif 720 (Cy. 58)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Cymorth Gwladol (Symiau at Anghenion Personol) a Ffioedd Gofal Cymdeithasol (Cymru) (Diwygiadau Amrywiol) 2015

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru, yn gwneud diwygiadau i Reoliadau 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 rheoliadau 2, 5(2) a 6(2) o Reoliadau Cymorth Gwladol (Symiau at Anghenion Personol) (Asesu Adnoddau) a Ffioedd Gofal Cymdeithasol (Cymru) (Diwygiadau Amrywiol) 2014 ("Rheoliadau 2014").

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 £25.50 fel y swm y mae ei angen at anghenion personol o dan adran 22(4).

Mae rheoliad 3 yn dirymu rheoliad 2 o Reoliadau 2014 a oedd gynt yn rhagnodi'r swm at anghenion personol o dan adran 22(4).

WELSH STATUTORY INSTRUMENTS

2015 No. 720 (W. 58)

SOCIAL CARE, WALES

The National Assistance (Sums for Personal Requirements) and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2015

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, make amendments to 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 regulations 2, 5(2) and 6(2) of the National Assistance (Sums for Personal Requirements) (Assessment of Resources) and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2014 ("the 2014 Regulations").

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 £25.50 as the sum needed for personal requirements under section 22(4).

Regulation 3 revokes regulation 2 of the 2014 Regulations which previously prescribed the sum for personal requirements under section 22(4).

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 4(2) a 5(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 £60.00.

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 Polisïau ar gyfer Plant ac Oedolion, Yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

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 4(2) and 5(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 £60.00.

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.

OFFERYNNAU STATUDOL CYMRU

2015 Rhif 720 (Cy. 58)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Cymorth Gwladol (Symiau at Anghenion Personol) a Ffioedd Gofal Cymdeithasol (Cymru) (Diwygiadau Amrywiol) 2015

Gwnaed *13 Mawrth 2015*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *16 Mawrth 2015*

Yn dod i rym *6 Ebrill 2015*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adran 22(4) o Ddeddf Cymorth Gwladol 1948(**1**), ac adrannau 2(2), 7(2), 12(2) a 17(2) o Fesur Codi Ffioedd am Wasanaethau Gofal Cymdeithasol (Cymru) 2010(**2**), yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cymorth Gwladol (Symiau at Anghenion Personol) a Ffioedd Gofal Cymdeithasol (Cymru) (Diwygiadau Amrywiol) 2015.

(2) Daw'r Rheoliadau hyn i rym ar 6 Ebrill 2015.

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

(**1**) 1948 p. 29. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 22(4) 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 Atolden 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(**2**) 2010 mccc 2.

WELSH STATUTORY INSTRUMENTS

2015 No. 720 (W. 58)

SOCIAL CARE, WALES

The National Assistance (Sums for Personal Requirements) and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2015

Made *13 March 2015*

Laid before the National Assembly for Wales *16 March 2015*

Coming into force *6 April 2015*

The Welsh Ministers, in exercise of the powers conferred by section 22(4) of the National Assistance Act 1948(**1**), and sections 2(2), 7(2), 12(2) and 17(2) of the Social Care Charges (Wales) Measure 2010(**2**), make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is The National Assistance (Sums for Personal Requirements) and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2015.

(2) These Regulations come into force on 6 April 2015.

(3) These Regulations apply in relation to Wales.

(**1**) 1948 c. 29. The functions of the Secretary of State under section 22(4) 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).

(**2**) 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 £25.50 bob wythnos.

Dirymu

3. Mae rheoliad 2 o Reoliadau Cymorth Gwladol (Symiau at Anghenion Personol) (Asesu Adnoddau) a Ffioedd Gofal Cymdeithasol (Cymru) (Diwygiadau Amrywiol) 2014(**1**) wedi ei ddirymu.

RHAN 2

Diwygiadau i'r Rheoliadau Ffioedd Gofal Cymdeithasol

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

4.—(1) Mae Rheoliadau Ffioedd Gofal Cymdeithasol (Asesu Modd a Phenderfynu Ffioedd) (Cymru) 2011(**2**) wedi eu diwygio fel a ganlyn.

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

(a) ym mharagraff (2) yn lle'r ffigur "£55.00" rhodder y ffigur "£60.00", a

(b) ym mharagraff (3) yn lle'r ffigur "£55.00" rhodder y ffigur "£60.00".

(3) Mae paragraff (2) o reoliad 5 o Reoliadau Cymorth Gwladol (Symiau at Anghenion Personol) (Asesu Adnoddau) a Ffioedd Gofal Cymdeithasol (Cymru) (Diwygiadau Amrywiol) 2014 wedi ei ddirymu.

(**1**) O.S 2014/666 (Cy. 73).
(**2**) O.S. 2011/962 (Cy. 136).

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 £25.50 per week.

Revocation

3. Regulation 2 of the National Assistance (Sums for Personal Requirements) (Assessment of Resources) and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2014(**1**) is revoked.

PART 2

Amendments to the Social Care Charges Regulations

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

4.—(1) The Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011(**2**) are amended as follows.

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

(a) in paragraph (2) replace the figure of "£55.00" with the figure "£60.00", and

(b) in paragraph (3) replace the figure of "£55.00" with the figure "£60.00".

(3) Paragraph (2) of regulation 5 of the National Assistance (Sums for Personal Requirements) (Assessment of Resources) and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2014 is revoked.

(**1**) S.I. 2014/666 (W. 73).
(**2**) S.I. 2011/962 (W. 136).

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

5.—(1) Mae Rheoliadau Ffioedd Gofal Cymdeithasol (Taliadau Uniongyrchol) (Asesu Modd a Phenderfynu ar Ad-daliad neu Gyfraniad) (Cymru) 2011(**1**) 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 "£55.00" rhodder y ffigur "£60.00", a

(b) ym mharagraff (2) yn lle'r ffigur "£55.00" rhodder y ffigur "£60.00".

(3) Mae paragraff (2) o reoliad 6 o Reoliadau Cymorth Gwladol (Symiau at Anghenion Personol) (Asesu Adnoddau) a Ffioedd Gofal Cymdeithasol (Cymru) (Diwygiadau Amrywiol) 2014 wedi ei ddirymu.

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

5.—(1) The Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011(**1**) 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 "£55.00" with the figure "£60.00", and

(b) in paragraph (2) replace the figure of "£55.00" with the figure "£60.00".

(3) Paragraph (2) of regulation 6 of the National Assistance (Sums for Personal Requirements) (Assessment of Resources) and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2014 is revoked.

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

13 Mawrth 2015

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

13 March 2015

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(**1**) O.S 2011/963 (Cy. 137).

(**1**) S.I. 2011/963 (W. 137).

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GOFAL CYMDEITHASOL, CYMRU

SOCIAL CARE, WALES

Rheoliadau Cymorth Gwladol (Symiau at Anghenion Personol) a Ffioedd Gofal Cymdeithasol (Cymru) (Diwygiadau Amrywiol) 2015

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