



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 897 (Cy.117)

2003 No. 897 (W.117)

**GWASANAETHAU CYMORTH
GWLADOL, CYMRU**

**NATIONAL ASSISTANCE
SERVICES, WALES**

Rheoliadau Cymorth Gwladol
(Asesu Adnoddau)
(Diwygio) (Cymru)
2003

The National Assistance
(Assessment of Resources)
(Amendment) (Wales) Regulations
2003

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 pellach i Reoliadau Cymorth Gwladol (Asesu Adnoddau) 1992 ("y prif Reoliadau").

These Regulations make further amendments to the National Assistance (Assessment of Resources) Regulations 1992 ("the principal Regulations").

Mae'r prif Reoliadau yn ymwneud ag asesu gallu person ("y preswlydd") i dalu am lety sydd wedi'i drefnu gan awdurdodau lleol o dan Ran III o Ddeddf Cymorth Gwladol 1948. Mae llety Rhan III yn cael ei drefnu ar gyfer personau 18 oed neu drosodd y mae arnynt, oherwydd oedran, salwch, anabledd neu unrhyw amgylchiadau eraill, angen gofal a sylw nad ydynt ar gael iddynt fel arall, ac ar gyfer mamau sy'n disgwyl plentyn a mamau sy'n magu ac sydd mewn angen tebyg.

The principal Regulations concern the assessment of the ability of a person ("the resident") to pay for accommodation arranged by local authorities under Part III of the National Assistance Act 1948. Part III accommodation is arranged for persons aged 18 or over who by reason of age, illness, disability or any other circumstances, are in need of care and attention which is not otherwise available to them, and for expectant and nursing mothers in similar need.

Mae'r prif Reoliadau yn darparu bod rhaid asesu preswlydd fel un sy'n gallu talu am lety Rhan III yn ôl y gyfradd safonol os yw cyfalaf y preswlydd hwnnw, o'i gyfrifo yn unol â'r prif Reoliadau, yn fwy na therfyn cyfalaf uchaf o £19,000. Mae'r Rheoliadau hyn yn diwygio'r prif Reoliadau er mwyn cynyddu'r terfyn cyfalaf uchaf o £19,000 i £20,000. Mae'r prif Reoliadau yn darparu hefyd ar gyfer cyfrifo incwm preswlydd i gymryd i ystyriaeth gyfalaf sydd o fewn band rhwng y terfyn cyfalaf uchaf a'r terfyn cyfalaf isaf. Mae'r Rheoliadau hyn yn diwygio'r terfynau cyfalaf uchaf ac isaf. Mae pob £250 neu ran o £250 o fewn y band hwn yn cael ei drin fel swm sy'n cyfateb i incwm wythnosol o £1.

The principal Regulations provide that a resident shall be assessed as able to pay for Part III accommodation at the standard rate if that resident's capital calculated in accordance with the principal Regulations, exceeds an upper capital limit of £19,000. These Regulations amend the principal Regulations to increase the upper capital limit from £19,000 to £20,000. The principal Regulations also provide for the calculation of a resident's income to take account of capital within a band between the upper capital limit and a lower capital limit. These Regulations amend the upper and lower capital limits. Each £250 or part of £250 within this band is treated as equivalent to weekly income of £1.

Mae Rheoliad 4 yn diwygio'r prif Reoliadau gyda'r

Regulation 4 makes amendments to the Principal

effaith y bydd yr holl daliadau cyfnodol a geir mewn setliad o hawliad am anaf personol, boed yn rhinwedd cytundeb neu orchymyn llys, i'r graddau nad ydynt yn incwm, yn cael eu trin fel incwm.

Mae Rheoliad 5 yn diwygio'r prif Reoliadau er mwyn rhoi yn lle'r cyfeiriad at "*invalid care allowance*" y term "*carer's allowance*".

Mae Rheoliad 6 yn diwygio'r prif Reoliadau gyda'r effaith bod taliadau incwm naill ai, (a) a gafwyd o ymddiriedolaethau y mae eu cyllid yn deillio o setliadau anaf personol i'r preswlydd, neu (b) o flwydd-dal a brynwyd o gyllid o'r fath neu (c) yn rhinwedd unrhyw gytundeb neu orchymyn llys i wneud taliadau am anaf personol, yn cael eu hanwybyddu yn eu cyfanrwydd pan ydynt wedi'u bwriadu a'u defnyddio ar gyfer angen gan y preswlydd na chymerwyd i ystyriaeth wrth bennu cost (neu gyfradd safonol) y llety a ddarperir. Fel arall, anwybyddir £20 cyntaf incwm o'r fath.

Mae Rheoliadau 7 ac 8(4) yn diwygio'r prif Reoliadau er mwyn hepgor, wrth gyfrifo incwm neu gyfalaf, unrhyw daliadau a wneir i breswylwyr neu ar eu rhan ac sy'n ymwneud â gwasanaethau lles y mae Cynulliad Cenedlaethol Cymru wedi rhoi grant mewn cysylltiad â hwy i'r awdurdod lleol o dan a.93(2) o Ddeddf Llywodraeth Leol 2000. Mae Rheoliad 7 hefyd yn hepgor lwfans gwarcheidwad a chredyd treth plant.

Mae Rheoliad 8(1) yn diwygio'r prif Reoliadau er mwyn hepgor, wrth gyfrifo cyfalaf preswlydd, werth buddiant y preswlydd mewn cartref a feddiannai gynt gyda phriod neu bartner nad yw bellach yn briod ag ef neu hi neu yn byw gydag ef neu hi, os yw'r cyn-briod neu'r cyn-bartner yn dal i feddiannu'r cartref fel rhiant unigol.

Mae Rheoliad 8(2) yn diwygio'r prif Reoliadau er mwyn cadw'r sefyllfa bresennol ynghylch trin ôl-ddyledion amrywiol fudd-daliadau nawdd cymdeithasol wrth asesu cyfalaf preswlydd ac mae'n tynnu oddi yno gyfeiriad at baragraff o Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987 a gafodd ei ddirymu.

Mae Rheoliad 8(3) yn darparu ar gyfer anwybyddu wrth gyfrifo cyfalaf unrhyw ôl-ddyledion neu unrhyw daliad consesiynol a wneir i ad-dalu ôl-ddyledion oherwydd na thalwyd credydau treth am gyfnod o 52 o wythnosau o ddyddiad eu talu.

Regulations with the effect that all periodical payments received in settlement of a personal injury claim, whether by virtue of an agreement or a court order, are, to the extent that they are not income, treated as income.

Regulation 5 amends the principal Regulations so as to replace reference to "invalid care allowance" with the term "carer's allowance".

Regulation 6 amends the principal Regulations with the effect that payments of income either, (a) received from trusts whose funds derive from personal injury settlements to the resident, or (b) from an annuity purchased with such funds or (c) by virtue of any agreement or court order to make personal injury payments, are disregarded in their entirety where they are intended and used for a need of the resident which was not taken into account in fixing the cost (or standard rate) of the accommodation provided. Otherwise the first £20 of such income is disregarded.

Regulation 7 and 8(4) amend the principal Regulations so as to exclude from calculations of income or capital any payments made to or on behalf of residents relating to welfare services in respect of which the National Assembly for Wales has made a grant to the local authority under s.93(2) of the Local Government Act 2000. Regulation 7 also excludes from calculation of income, guardian's allowance and child tax credit.

Regulation 8(1) amends the principal Regulations so as to exclude from the calculation of a resident's capital the value of the resident's interest in a home which was formerly occupied with a spouse or partner who is now divorced or estranged if the home is still occupied by the former partner as a lone parent.

Regulation 8(2) amends the principal Regulations so as to maintain the current position regarding the treatment of arrears of various social security benefits in the assessment of a resident's capital and removes a reference to a paragraph of the Income Support (General) Regulations 1987 which has been revoked.

Regulation 8(3) provides a capital disregard for any arrears or any concessionary payment made to compensate for arrears due to non-payment of tax credits for a period of 52 weeks from the date of their payment.

2003 Rhif 897 (Cy.117)**2003 No. 897 (W.117)****GWASANAETHAU CYMORTH
GWLADOL, CYMRU****NATIONAL ASSISTANCE
SERVICES, WALES****Rheoliadau Cymorth Gwladol
(Asesu Adnoddau)
(Diwygio) (Cymru)
2003****The National Assistance
(Assessment of Resources)
(Amendment) (Wales) Regulations
2003**

Wedi'u gwneud 26 Mawrth 2003
Yn dod i rym 7 Ebrill 2003

Made 26th March 2003
Coming into force 7th April 2003

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 22(5) o Ddeddf Cymorth Gwladol 1948(a) ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(b):

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred upon the Secretary of State by section 22(5) of the National Assistance Act 1948(a) and now vested in the National Assembly for Wales(b):

Enwi, cychwyn, dehongli a chymhwysio**Citation, commencement, interpretation and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygio) (Cymru) 2003 a deuant i rym -

1.-(1) These Regulations may be cited as the National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2003 and come into force -

(a) at ddibenion y rheoliad hwn a rheoliadau 3(1), 5, 7(1), 8(1) ac 8(4) ar 1 Ebrill 2003,

(a) for the purposes of this regulation and regulations 3(1), 5, 7(1), 8(1) and 8(4) on 1st April 2003,

(b) at ddibenion yr holl reoliadau eraill a'r rhannau o reoliadau, ar 7 Ebrill 2003.

(b) for the purposes of all the other regulations and parts of regulations, on 7th April 2003.

(2) Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" (*"the principal Regulations"*) yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992(c).

(2) In these Regulations "the principal Regulations" (*"y prif Reoliadau"*) means the National Assistance (Assessment of Resources) Regulations 1992(c).

(3) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(3) These Regulations apply to Wales only.

(a) 1948 p.29; diwygiwyd adran 22(5) o Ddeddf Cymorth Gwladol 1948 gan adran 39(1) o Ddeddf y Weinyddiaeth Nawdd Cymdeithasol 1966 (p.20) a pharagraff 6 o Atodlen 6 iddi, gan adran 35(2) o Ddeddf Budd-daliadau Atodol 1976 (p.71) a pharagraff 3(b) o Atodlen 7 iddi, gan adran 20 o Ddeddf Nawdd Cymdeithasol 1980 (p.30) a pharagraff 2 o Atodlen 4 iddi, a chan adran 86 o Ddeddf Nawdd Cymdeithasol 1986 (p.50) a pharagraff 32 o Atodlen 10 iddi.

(a) 1948 c.29; section 22(5) of the National Assistance Act 1948 was amended by section 39(1) of and paragraph 6 of Schedule 6 to the Ministry of Social Security Act 1966 (c.20), by section 35(2) of and paragraph 3(b) of Schedule 7 to the Supplementary Benefits Act 1976 (c.71), by section 20 of and paragraph 2 of Schedule 4 to the Social Security Act 1980 (c.30), and by section 86 of and paragraph 32 of Schedule 10 to the Social Security Act 1986 (c.50).

(b) Cafodd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 22(5) o Ddeddf Cymorth Gwladol 1948 eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(b) The functions of the Secretary of State under section 22(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).

(c) O.S. 1992/2977; yr offerynnau diwygio perthnasol yw O.S. 1996/602 ac O.S. 2002/814 (Cy.94).

(c) S.I. 1992/2977; relevant amending instruments are S.I. 1996/602 and S.I. 2002/814 (W.94).

Diwygio'r prif Reoliadau - terfynau cyfalaf

2.-(1) Diwygir y prif Reoliadau yn unol â pharagraffau canlynol y rheoliad hwn.

(2) Yn rheoliad 20 (terfyn cyfalaf) yn lle'r ffigur "£19,000" rhoddir y ffigur "£20,000".

(3) Yn rheoliad 28(1) (cyfrifo incwm tariff o gyfalaf) yn lle'r ffigur "£11,750", bob tro y mae'n ymddangos, rhoddir y ffigur "£12,250" ac yn lle'r ffigur "£19,000" rhoddir y ffigur "£20,000".

Diwygio'r prif Reoliadau - dehongli

3.-(1) Ym mharagraff (1) o reoliad 2 o'r prif Reoliadau (dehongli)-

(a) mewnosodir y diffiniadau canlynol yn y man priodol:

""carer's allowance" means a carer's allowance under the Social Security Contributions and Benefits Act(a);";

""lone parent" has the same meaning as in the Income Support Regulations(b);";

(b) hepgorir y diffiniad o "invalid care allowance"

(2) Ym mharagraff (1) o reoliad 2 o'r prif Reoliadau, mewnosodir y diffiniadau canlynol yn y man priodol:

""child tax credit" means a child tax credit under the Tax Credits Act(c);";

""guardian's allowance" means a guardian's allowance under the Contributions and Benefits Act(ch);";

""working tax credit" means a working tax credit under the Tax Credits Act 2002(d);".

Diwygio rheoliad 16 o'r prif Reoliadau

4. Ar ôl paragraff (4) o reoliad 16 o'r prif Reoliadau (cyfalaf a gaiff ei drin fel incwm) mewnosodir y paragraff canlynol-

"(5) Where an agreement or court order provides that payments shall be made to the resident in consequence of any personal injury to the resident and that such payments are to be made, wholly or partly, by way of periodical payments, any such payments received by the resident, to the extent that they are not a payment of income shall be treated as income."

(a) 1992 p.4 *Gweler* adran 70 fel y'i diwygiwyd gan O.S. 2002/1457.

(b) O.S. 1987/1967 *Gweler* rheoliad 2.

(c) 2002 p.21 *Gweler* adran 8.

(ch) 1992 p.4 *Gweler* adran 77 fel y'i diwygiwyd gan Ddeddf Credydau Treth 2002 p. 21.

(d) 2002 p.21 *Gweler* adran 10.

Amendment of the principal Regulations - capital limits

2.-(1) The principal Regulations are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 20 (capital limit) for the figure "£19,000" substitute the figure "£20,000".

(3) In regulation 28(1) (calculation of tariff income from capital) for the figure "£11,750", in each instance where it appears, substitute the figure "£12,250" and for the figure "£19,000" substitute the figure "£20,000".

Amendment of the principal Regulations - interpretation

3.-(1) In paragraph (1) of regulation 2 of the principal Regulations (interpretation)-

(a) insert the following definitions at the appropriate place:

""carer's allowance" means a carer's allowance under the Contributions and Benefits Act(a);";

""lone parent" has the same meaning as in the Income Support Regulations(b);";

(b) omit the definition of "invalid care allowance".

(2) In paragraph (1) of regulation 2 of the principal Regulations, insert the following definitions at the appropriate place:

""child tax credit" means a child tax credit under the Tax Credits Act 2002(c);";

""guardian's allowance" means a guardian's allowance under the Contributions and Benefits Act(d);";

""working tax credit" means a working tax credit under the Tax Credits Act 2002(e);".

Amendment of regulation 16 of the principal Regulations

4. After paragraph (4) of regulation 16 of the principal Regulations (capital treated as income) insert the following paragraph-

"(5) Where an agreement or court order provides that payments shall be made to the resident in consequence of any personal injury to the resident and that such payments are to be made, wholly or partly, by way of periodical payments, any such payments received by the resident, to the extent that they are not a payment of income, shall be treated as income."

(a) 1992 c.4 *See* section 70 as amended by S.I. 2002/1457.

(b) S.I. 1987/1967 *See* regulation 2.

(c) 2002 c.21 *See* section 8.

(d) 1992 c.4 *See* section 77 as amended by the Tax Credits Act 2002 c. 21.

(e) 2002 c.21 *See* section 10.

Diwygio Atodiad 2 i'r prif Reoliadau

5. Ym mharagraff 3(2)(a) o Atodlen 2 i'r prif Reoliadau (symiau i'w hanwybyddu wrth gyfrifo enillion), yn lle'r geiriau "an invalid care allowance" mewnosodir y geiriau "a carer's allowance".

Diwygio Atodlen 3 i'r prif Reoliadau - paragraffau 10 a 30

6.-(1) Ym mharagraff 10 o Atodlen 3 i'r prif Reoliadau (symiau i'w hanwybyddu wrth gyfrifo incwm heblaw enillion)-

- (a) yn is-baragraff (1), yn lle'r geiriau "(charitable or voluntary payments) of any charitable or of any voluntary payment" rhoddir "(relevant payments) of any relevant payment";
- (b) yn is-baragraff (2) yn lle'r geiriau "charitable payment or voluntary payment" rhoddir y geiriau "relevant payment";
- (c) ar ôl is-baragraff (2), ychwanegir yr is-baragraff canlynol-

"(3) In this paragraph, "relevant payment" means-

- (a) a charitable payment;
- (b) a voluntary payment;
- (c) a payment (not falling within subparagraph (a) or (b)) from a trust whose funds are derived from a payment made in consequence of any personal injury to the resident;
- (d) a payment under an annuity purchased-
 - (i) pursuant to any agreement or court order to make payments to the resident; or
 - (ii) from funds derived from a payment made,

in consequence of any personal injury to the resident; or

- (e) a payment (not falling within subparagraphs (a) to (d)) received by virtue of any agreement or court order to make payments to the resident in consequence of any personal injury to the resident."

(2) Ym mharagraff 30 o Atodlen 3 i'r prif Reoliadau-

- (a) yn lle'r geiriau "charitable or voluntary payments" rhoddir y geiriau "relevant payments"; a
- (b) ar y diwedd, ychwanegir yr is-baragraff canlynol-

"(2) In this paragraph "relevant payment" has the same meaning as in paragraph 10(3)."

Amendment of Schedule 2 to the principal Regulations

5. In paragraph 3(2)(a) of Schedule 2 to the principal Regulations (sums to be disregarded in the calculation of earnings), for the words "an invalid care allowance" substitute the words "a carer's allowance".

Amendment of Schedule 3 to the principal Regulations - paragraphs 10 and 30

6.-(1) In paragraph 10 of Schedule 3 to the principal Regulations (sums to be disregarded in the calculation of income other than earnings)-

- (a) in sub-paragraph (1), for the words "(charitable or voluntary payments) of any charitable or of any voluntary payment" substitute "(relevant payments) of any relevant payment";
- (b) in sub-paragraph(2) for the words "charitable payment or voluntary payment" substitute the words "relevant payment";
- (c) after subparagraph (2), add the following sub-paragraph-

"(3) In this paragraph, "relevant payment" means-

- (a) a charitable payment;
- (b) a voluntary payment;
- (c) a payment (not falling within subparagraph (a) or (b)) from a trust whose funds are derived from a payment made in consequence of any personal injury to the resident;
- (d) a payment under an annuity purchased-
 - (i) pursuant to any agreement or court order to make payments to the resident; or
 - (ii) from funds derived from a payment made,

in consequence of any personal injury to the resident; or

- (e) a payment (not falling within subparagraphs (a) to (d)) received by virtue of any agreement or court order to make payments to the resident in consequence of any personal injury to the resident."

(2) In paragraph 30 of Schedule 3 to the principal Regulations-

- (a) for the words "charitable or voluntary payments" substitute the words "relevant payments"; and
- (b) at the end, add the following sub-paragraph-

"(2) In this paragraph "relevant payment" has the same meaning as in paragraph 10(3)."

Diwygio Atodlen 3 - paragraffau 28D -F

7.-(1) Yn Atodlen 3 i'r prif Reoliadau (symiau i'w hanwybyddu wrth gyfrifo incwm ac eithrio enillion), ar ôl paragraff 28C, ychwanegir y paragraffau canlynol-

"**28D.** Any payment made by a local authority to or on behalf of the resident relating to welfare services in respect of which the National Assembly for Wales has paid a grant to the local authority under section 93(2) of the Local Government Act 2000(a), where the resident qualified for that payment.

28E. Any payment made under the Community Care (Direct Payments) Act 1996(b) or under regulations made under section 57 of the Health and Social Care Act 2001(c) except where that payment is paid in relation to the provision of residential accommodation under the Act.

28F. Any payment made under section 17A of the Children Act 1989(ch) except where that payment is paid in relation to the provision of residential accommodation under the Act. "

(2) Yn Atodlen 3 i'r prif Reoliadau ar ôl paragraff 28D, ychwanegir y paragraffau canlynol-

"**28G.** Any guardian's allowance.

28H. Any child tax credit."

Diwygio Atodlen 4 i'r prif Reoliadau

8.-(1) Yn Atodlen 4 i'r prif Reoliadau (cyfalaf i'w anwybyddu) ar ôl paragraff 2, ychwanegir y paragraff canlynol-

"**2A.** Where a resident has ceased to occupy a dwelling, which was formerly occupied as the home, following his estrangement or divorce from his former partner, the value of the resident's interest in that dwelling where it is still occupied as the home by the former partner who is a lone parent."

(2) Ym mharagraff 6 o Atodlen 4 i'r prif Reoliadau-

(a) ar ôl y geiriau "(arrears of specified payments)" mewnosodir y geiriau "as in force immediately before the 7th April 2003"; a

(b) yn lle ", 9 or 9A" rhoddir "or 9".

(3) Yn atodlen 4 i'r prif Reoliadau, ar ôl paragraff 6, ychwanegir y paragraff canlynol-

"**6A.** Any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of -

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- (a) 2000 p. 22.
(b) 1996 p. 30.
(c) 2001 p. 15.
(ch) 1989 p.41.

Amendment of Schedule 3 - paragraphs 28D - F

7.-(1) In Schedule 3 to the principal Regulations (sums to be disregarded in the calculation of income other than earnings), after paragraph 28C, add the following paragraphs-

"**28D.** Any payment made by a local authority to or on behalf of the resident relating to welfare services in respect of which the National Assembly for Wales has paid a grant to the local authority under section 93(2) of the Local Government Act 2000(a), where the resident qualified for that payment.

28E. Any payment made under the Community Care (Direct Payments) Act 1996(b) or under regulations made under section 57 of the Health and Social Care Act 2001(c) except where that payment is paid in relation to the provision of residential accommodation under the Act.

28F. Any payment made under section 17A of the Children Act 1989(d) except where that payment is paid in relation to the provision of residential accommodation under the Act. "

(2) In Schedule 3 to the principal Regulations after paragraph 28D, add the following paragraphs-

"**28G.** Any guardian's allowance.

28H. Any child tax credit."

Amendment of Schedule 4 to the principal Regulations

8.-(1) In Schedule 4 to the principal Regulations (capital to be disregarded) after paragraph 2, add the following paragraph-

"**2A.** Where a resident has ceased to occupy a dwelling, which was formerly occupied as the home, following his estrangement or divorce from his former partner, the value of the resident's interest in that dwelling where it is still occupied as the home by the former partner who is a lone parent."

(2) In paragraph 6 of Schedule 4 to the principal Regulations-

(a) after the words "(arrears of specified payments)" insert the words "as in force immediately before the 7th April 2003"; and

(b) for ", 9 or 9A" substitute "or 9".

(3) In schedule 4 to the principal Regulations, after paragraph 6, add the following paragraph-

"**6A.** Any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of -

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- (a) 2000 c. 22.
(b) 1996 c. 30.
(c) 2001 c. 15.
(d) 1989 c.41.

- (a) working families tax credit under section 128 of the Contributions and Benefits Act(a)
- (b) disabled person's tax credit under section 129 of the Contributions and Benefits Act(b)
- (c) child tax credit, or
- (d) working tax credit,

but only for a period of 52 weeks from the date of the receipt of the arrears or of the concessionary payment."

(4) Yn Atodlen 4 i'r prif reoliadau ar ôl paragraff 21, ychwanegir y paragraffau canlynol-

"22. Any payment made by a local authority to or on behalf of the resident relating to welfare services in respect of which the National Assembly for Wales has paid a grant to the local authority under section 93(2) of the Local Government Act 2000, where the resident qualified for the payment.

23. Any payment made under the Community Care (Direct Payments) Act 1996(c) or under regulations made under section 57 of the Health and Social Care Act 2001(ch) except where that payment is paid in relation to the provision of residential accommodation under the Act.

24. Any payment made under section 17A of the Children Act 1989(d) except where that payment is paid in relation to the provision of residential accommodation under the Act. "

9. Dirymir Rheoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygio) (Cymru) 2002(dd)

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998 (e)

26 Mawrth 2003

- (a) working families tax credit under section 128 of the Contributions and Benefits Act(a)
- (b) disabled person's tax credit under section 129 of the Contributions and Benefits Act(b)
- (c) child tax credit, or
- (d) working tax credit,

but only for a period of 52 weeks from the date of the receipt of the arrears or of the concessionary payment."

(4) In Schedule 4 to the principal regulations after paragraph 21, add the following paragraphs-

"22. Any payment made by a local authority to or on behalf of the resident relating to welfare services in respect of which the National Assembly for Wales has paid a grant to the local authority under section 93(2) of the Local Government Act 2000, where the resident qualified for the payment.

23. Any payment made under the Community Care (Direct Payments) Act 1996(c) or under regulations made under section 57 of the Health and Social Care Act 2001(d) except where that payment is paid in relation to the provision of residential accommodation under the Act.

24. Any payment made under section 17A of the Children Act 1989(e) except where that payment is paid in relation to the provision of residential accommodation under the Act. "

9. The National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2002(f) are revoked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(g)

26th March 2003

D. Elis-Thomas

Llywydd Cynulliad Cenedlaethol Cymru

The Presiding Officer of the National Assembly

(a) 1992 p.4 *Gweler* adran 128 fel y'i diwygir gan Ddeddf Ceisio Gwaith 1995 p.18 a Deddf Credydau Treth 1999 p.10

(b) *Gweler* adran 129 fel y'i diwygiwyd gan Ddeddf Cyllid Llywodraeth Leol 1992 p.14, Deddf Nawdd Cymdeithasol (Anallu i Weithio) 1994 p.18, Deddf Ceisio Gwaith 1995 p.18, Deddf Credydau Treth 1999 p.10 a Deddf Ad-drefnu Nawdd Cymdeithasol a Phensiynau 1999 p.30.

(c) 1996 p.30.

(ch) 2001 p.15.

(d) 1989 p.41.

(dd) O.S. 2002/814 (Cy.94).

(e) 1998 p.38.

(a) 1992 c.4 *See* section 128 as amended by the Jobseekers Act 1995 c. 18 and the Tax Credits Act 1999 c. 10.

(b) *See* section 129 as amended by the Local Government Finance Act 1992 c. 14, the Social Security (Incapacity for Work) Act 1994 c.18, the Jobseekers Act 1995 c. 18, the Tax Credits Act 1999 c.10 and the Welfare Reform and Pensions Act 1999 c.30.

(c) 1996 c. 30.

(d) 2001 c. 15.

(e) 1989 c.41.

(f) S.I. 2002/814 (W.94).

(g) 1998 c.38.

OFFERYNNAU STATUDOL

2003 Rhif 897 (Cy.117)

**GWASANAETHAU CYMORTH
GWLADOL, CYMRU**

Rheoliadau Cymorth Gwladol
(Asesu Adnoddau)
(Diwygio) (Cymru)
2003

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