CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2004 Rhif 1023 (Cy.120)

GWASANAETHAU CYMORTH GWLADOL, CYMRU

Rheoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygio) (Cymru) 2004

NODYN ESBONIADOL

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

Mae'r rheoliadau hyn yn gwneud diwygiadau pellach i Reoliadau Cymorth Gwladol (Asesu Adnoddau) 1992 ("y Prif Reoliadau").

Mae'r Prif Reoliadau yn ymwneud ag asesu gallu person ("y preswylydd") i dalu am y llety a drefnir gan awdurdodau lleol o dan Ran III o Ddeddf Cymorth Gwladol 1948. Trefnir llety o dan Ran III i bobl 18 oed neu drosodd sydd, oblegid eu hoedran, afiechyd, anabledd neu unrhyw amgylchiadau eraill, mewn angen gofal a sylw nad ydynt fel arall ar gael iddynt, ac i famau sy'n disgwyl neu'n sy'n magu ac sydd mewn angen tebyg.

Mae'r Prif Reoliadau yn darparu bod rhaid asesu preswylydd fel un sy'n gallu talu am lety Rhan III yn ôl y gyfradd safonol os yw cyfalaf y preswylydd hwnnw, o'i gyfrifo yn unol â'r prif Reoliadau, yn fwy na therfyn cyfalaf uchaf o £20,000. Mae'r rheoliadau hyn yn diwygio'r Prif Reoliadau i gynyddu'r terfyn cyfalaf uchaf o £20,000 i £20,500. Mae'r Prif Reoliadau yn darparu hefyd ar gyfer cyfrifo incwm preswylydd 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.

Mae rheoliad 3 yn cynyddu swm y Credyd Cynilion sydd i'w anwybyddu wrth gyfrifo incwm preswylydd.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2004 No. 1023 (W.120)

NATIONAL ASSISTANCE SERVICES, WALES

The National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2004

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

The Principal Regulations concern the assessment of the ability of a person ("the resident") to pay for the 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.

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 £20,000. These regulations amend the Principal Regulations to increase the upper capital limit from £20,000 to £20,500. 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.

Regulation 3 makes increases to the amount of Savings Credit to be disregarded in calculating a

Mae hefyd yn gwneud mân ddiwygiad er mwyn symud effaith na fwriadwyd mohono yn y rheoliad fel y deddfwyd ef gyntaf.

Mae rheoliad 4 yn dirymu'r rheoliad a ddiwygiodd y terfynau cyfalaf yn 2003.

resident's income. It also makes a minor amendment to remove an unintended effect in the regulation as first enacted.

Regulation 4 revokes the regulation by which the capital limits were amended in 2003.

OFFERYNNAU STATUDOL

2004 Rhif 1023 (Cy.120)

GWASANAETHAU CYMORTH GWLADOL, CYMRU

Rheoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygio) (Cymru) 2004

Wedi'u gwneud	*30 Mawrth 2004*
Yn dod i rym	*12 Ebrill 2004*

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 wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru(**b**).

Enwi, cychwyn, dehongli a chymhwyso

1.-(1) Enw'r rheoliadau hyn yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygio) (Cymru) 2004 a deuant i rym ar 12 Ebrill 2004.

(2) Yn y rheoliadau hyn ystyr "y Prif Reoliadau" ("*the Principal Regulations*") yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992(**c**).

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

(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.

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

(c) O.S. 1992/2977; yr offerynnau diwygio perthnasol yw O.S. 1996/602, O.S. 2002/814 (Cy. 94) ac O.S.2003/897 (Cy. 117).

STATUTORY INSTRUMENTS

2004 No. 1023 (W.120)

NATIONAL ASSISTANCE SERVICES, WALES

The National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2004

Made	*30th March 2004*
Coming into force	*12th April 2004*

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**).

Citation, commencement, interpretation and application

1.-(1) These Regulations may be cited as the National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2004 and come into force on 12th April 2004.

(2) In these regulations, "the Principal Regulations" ("*y Prif Reoliadau*") means the National Assistance (Assessment of Resources) Regulations 1992(**c**).

(3) These Regulations apply to Wales only.

(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) 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) S.I. 1992/2977; relevant amending instruments are S.I. 1996/602, S.I. 2002/814 (W.94) and S.I.2003/897 (W. 117).

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 "£20,000"(**a**), rhodder y ffigur "£20,500".

(3) Yn rheoliad 28(1) (Cyfrifo incwm tariff o'r cyfalaf), yn lle'r ffigur "£12,250"(**b**), lle mae'n ymddangos, rhodder y ffigur "£13,500" ac yn lle'r ffigur "£20,000"(**c**), rhodder y ffigur "£20,500".

Diwygio Atodlen 3 o'r Prif Reoliadau - Symiau a anwybyddir wrth gyfrifo incwm heblaw enillion

3. Ym mharagraff 28H o Atodlen 3 o'r Prif Reoliadau-

(a) yn lle'r ffigur "£4.50" rhodder y ffigur "£4.75" ble bynnnag y mae'n ymddangos;

(b) yn is-baragraffau (3) a (4), yn lle'r ffigur "£6.75" rhodder y ffigur "£6.95" ble bynnag y mae'n ymddangos;

(c) dileer is-baragraff (5) ac yn ei le rhodder yr is-baragraff canlynol-

"(5) Where,

(a) the sum referred to in sub-paragraph (4) has been disregarded in the assessment of the resident's partner's income under these Regulations, or,

(b) the partner referred to in paragraph (4)(a) is in receipt of savings credit,

sub-paragraph (4) does not apply to the resident.".

Dirymu

Dirymir rheoliad 2 o Reoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygio) (Cymru) 2003(**ch**).

Amendment of 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 "£20,000"(**a**), substitute the figure "£20,500".

(3) In regulation 28(1) (Calculation of tariff income from capital), for the figure "£12,250"(**b**), where it appears, substitute the figure "£13,500" and for the figure "£20,000"(**c**), substitute the figure "£20,500".

Amendment to Schedule 3 of the Principal Regulations - Sums disregarded in the calculation of income other than earnings

3. In paragraph 28H of Schedule 3 of the Principal Regulations-

(a) replace the figure "£4.50" with the figure "£4.75" at each place where it appears;

(b) in sub-paragraphs (3) and (4), replace the figure "£6.75" with the figure "£6.95" at each place where it appears;

(c) delete sub-paragraph (5) and substitute the following sub-paragraph-

"(5) Where,

(a) the sum referred to in sub-paragraph (4) has been disregarded in the assessment of the resident's partner's income under these Regulations, or,

(b) the partner referred to in paragraph (4)(a) is in receipt of savings credit,

sub-paragraph (4) does not apply to the resident.".

Revocation

Regulation 2 of the National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2003(**d**) is revoked.

(a) Mewnosodwyd y ffigur hwn mewn perthynas â Chymru gan O.S.2003/897 (Cy.117).

(b) Mewnosodwyd y ffigur hwn mewn perthynas â Chymru gan O.S.2003/897 (Cy.117)

(c) Mewnosodwyd y ffigur hwn mewn perthynas â Chymru gan O.S.2003/897 (Cy.117)

(ch) O.S. 2003/897 (Cy.117).

(a) This figure was inserted in relation to Wales by S.I. 2003/897 (W.117).

(b) This figure was inserted in relation to Wales by S.I. 2003/897 (W.117).

(c) This figure was inserted in relation to Wales by S.I. 2003/897 (W.117).

(d) S.I. 2003/897 (W.117).

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

30 Mawrth 2004

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

30th March 2004

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

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2004 Rhif 1023 (Cy.120)

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Rheoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygio) (Cymru) 2004

STATUTORY INSTRUMENTS

2004 No. 1023 (W.120)

NATIONAL ASSISTANCE SERVICES, WALES

The National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2004

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