



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 662 (Cy.52)

2005 No. 662 (W.52)

**GWASANAETHAU CYMORTH
GWLADOL, CYMRU**

**NATIONAL ASSISTANCE
SERVICES, WALES**

Rheoliadau Cymorth Gwladol
(Asesu Adnoddau)
(Diwygio) (Cymru)
2005

The National Assistance
(Assessment of Resources)
(Amendment) (Wales) Regulations
2005

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'n penderfynu'r ffordd y mae awdurdodau lleol yn asesu gallu person i dalu am y llety y mae awdurdodau lleol yn ei drefnu o dan Ran 3 o Ddeddf Cymorth Gwladol 1948.

The Principal Regulations determine the way that local authorities assess the ability of a person to pay for the accommodation which local authorities arrange under Part 3 of the National Assistance Act 1948.

Mae rheoliad 2 yn codi'r terfynau cyfalaf yn y Prif Reoliadau. Mae'r terfyn cyfalaf uchaf yn gosod y swm cyfalaf pan nad yw preswlydd, os yw ei gyfalaf yn uwch na'r swm hwnnw, yn gymwys i dderbyn cymorth awdurdod lleol. Mae'r terfyn cyfalaf isaf yn pennu'r swm pan nad yw'n ofynnol i breswlydd, os yw ei gyfalaf yn is na'r swm hwnnw, gyfrannu o'i gyfalaf at ei lety.

Regulation 2 increases the capital limits in the Principal Regulations. The upper capital limit sets the amount of capital above which a resident is not eligible for local authority support. The lower capital limit sets the amount below which a resident is not required to contribute to his or her accommodation from capital.

Mae rheoliad 3 yn gwneud diwygiadau i Atodlen 3 i'r Prif Reoliadau sy'n nodi ffynonellau incwm penodol y mae'n rhaid i awdurdodau lleol eu diystyru. Codir lefelau diystyriad credyd cynilion o £4.75 i £4.85 yn achos person sengl ac o £6.95 i £7.20 yn achos preswlydd sydd â phartner. Mae diystyriad newydd o ran taliadau a wneir o dan y trefniadau i gynorthwyo "gwarcheidwaid arbennig" o dan adran 14F o Ddeddf Plant 1989.

Regulation 3 makes amendments to Schedule 3 of the Principal Regulations which sets out certain sources of income which local authorities must disregard. The levels of savings credit disregard are raised from £4.75 to £4.85 in the case of a single person and from £6.95 to £7.20 in the case of a resident with a partner. There is a new disregard for payments made under the arrangements to support "special guardians" under section 14F of the Children Act 1989.

Mae rheoliad 4 yn diwygio Atodlen 4 i'r Prif Reoliadau fel bod taliadau a wneir i "warcheidwaid arbennig" hefyd yn cael eu diystyru fel cyfalaf.

Regulation 4 amends Schedule 4 of the Principal Regulations so that payments made to "special guardians" are also disregarded as capital.

2005 Rhif 662 (Cy.52)**2005 No. 662 (W.52)****GWASANAETHAU CYMORTH
GWLADOL, CYMRU****NATIONAL ASSISTANCE
SERVICES, WALES****Rheoliadau Cymorth Gwladol
(Asesu Adnoddau)
(Diwygio) (Cymru)
2005****The National Assistance
(Assessment of Resources)
(Amendment) (Wales) Regulations
2005**

Wedi'u gwneud 8 Mawrth 2005
Yn dod i rym 11 Ebrill 2005

Made 8 March 2005
Coming into force 11 April 2005

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 22(5) o Ddeddf Cymorth Gwladol 1948(1) ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(2).

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(1) and now vested in the National Assembly for Wales(2).

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

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygio) (Cymru) 2005 a deuant i rym ar 11 Ebrill 2005.

1.-(1) These Regulations may be cited as the National Assistance (Assessment of Resources)(Amendment) (Wales) Regulations 2005 and come into force on 11 April 2005.

(2) Yn y Rheoliadau hyn ystyr "y Prif Reoliadau" (*"the Principal Regulations"*) yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992(3).

(2) In these Regulations, "the Principal Regulations" (*"y Prif Reoliadau"*) means the National Assistance (Assessment of Resources) Regulations 1992(3).

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

(3) These Regulations apply to Wales only.

Diwygio'r Prif Reoliadau - Terfynau Cyfalaf**Amendment of the Principal Regulations - Capital Limits**

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

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

- (1) 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.
- (2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol 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).
- (3) O.S. 1992/2977; fel y'i diwygiwyd gan gyfres o offerynnau dilynol.

- (1) 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).
- (2) 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).
- (3) S.I. 1992/2977; as amended by a series of subsequent instruments.

(2) Dirymir rheoliad 20 (Terfyn cyfalaf) o ran Cymru.

(3) Ar ôl rheoliad 20 (Terfyn cyfalaf) mewnosoder y rheoliad canlynol-

" 20A. Capital limit - Wales

(1) This regulation applies in relation to Wales.

(2) No resident shall be assessed as unable to pay for his accommodation at the standard rate if his capital, calculated in accordance with regulation 21, exceeds £21,000."

(4) Dirymir rheoliad 28 (Cyfrifo incwm tariff o gyfalaf) o ran Cymru.

(5) Ar ôl rheoliad 28 (Cyfrifo incwm tariff o gyfalaf), mewnosoder y rheoliad a ganlyn-

"28A. Calculation of tariff income from capital - Wales

(1) This regulation applies in relation to Wales.

(2) Where a resident's capital calculated in accordance with this part exceeds £14,750 it shall be treated as equivalent to a weekly income of £1 for each £250 in excess of £14,750 up to the limit of £21,000 (the Capital limit).

(3) Where any part of the excess is not a complete £250 that part shall nevertheless be treated as equivalent to a weekly income of £1.

(4) For the purposes of paragraph (2) capital includes any income treated as capital under regulations 22 and 34 (income treated as capital and liable relative payments) respectively.

(5) For the purposes of paragraph (2), where a resident makes additional payments as provided for in regulation 4(2)(b) of the National Assistance (Residential Accommodation) (Additional Payments Relevant Contributions and Assessment of Resources) (Amendment) (Wales) Regulations 2003(1) (additional payments from capital not exceeding the lower capital limit), the resident is to be treated as possessing capital equivalent to the amount of any additional payments."

Diwygio Atodlen 3 i'r Prif Reoliadau - Symiau a ddiystyrir wrth gyfrifo incwm nad yw'n enillion

3.-(1) Ym mharagraff 28H o Atodlen 3 i'r Prif Reoliadau-

- (a) yn lle'r ffigur "£4.75", bob tro y mae'n ymddangos, rhodder y ffigur "£4.85";
- (b) yn is-baragraffau (3) a (4), yn lle'r ffigur "£6.95", bob tro y mae'n ymddangos, rhodder y ffigur "£7.20".

(2) Regulation 20 (Capital limit) is revoked in relation to Wales.

(3) After regulation 20 (Capital limit) insert the following regulation-

" 20A. Capital limit - Wales

(1) This regulation applies in relation to Wales.

(2) No resident shall be assessed as unable to pay for his accommodation at the standard rate if his capital, calculated in accordance with regulation 21, exceeds £21,000."

(4) Regulation 28 (Calculation of tariff income from capital) is revoked in relation to Wales.

(5) After regulation 28 (Calculation of tariff income from capital), insert the following regulation-

"28A. Calculation of tariff income from capital - Wales

(1) This regulation applies in relation to Wales.

(2) Where a resident's capital calculated in accordance with this part exceeds £14,750 it shall be treated as equivalent to a weekly income of £1 for each £250 in excess of £14,750 up to the limit of £21,000 (the Capital limit).

(3) Where any part of the excess is not a complete £250 that part shall nevertheless be treated as equivalent to a weekly income of £1.

(4) For the purposes of paragraph (2) capital includes any income treated as capital under regulations 22 and 34 (income treated as capital and liable relative payments) respectively.

(5) For the purposes of paragraph (2), where a resident makes additional payments as provided for in regulation 4(2)(b) of the National Assistance (Residential Accommodation) (Additional Payments Relevant Contributions and Assessment of Resources) (Amendment) (Wales) Regulations 2003(1) (additional payments from capital not exceeding the lower capital limit), the resident is to be treated as possessing capital equivalent to the amount of any additional payments."

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

3.-(1) In paragraph 28H of Schedule 3 to the Principal Regulations-

- (a) replace the figure "£4.75" with the figure "£4.85" at each place where it appears;
- (b) in sub-paragraphs (3) and (4), replace the figure "£6.95" with the figure "£7.20" at each place where it appears.

(1) O.S. 2003/931.

(1) S.I. 2003/931.

(2) Ar ôl paragraff 28J o Atodlen 3 i'r Prif Reoliadau, mewnosoder y paragraff a ganlyn-

"28K. Any payment made pursuant to section 14F of the Children Act 1989(1) (Special Guardianship Support Services) to a resident who is special guardian or a prospective special guardian. "

Diwygio Atodlen 4 i'r Prif Reoliadau - Symiau a ddiystyrir wrth gyfrifo cyfalaf

4. Ar ôl paragraff 26 o Atodlen 4 i'r Prif Reoliadau, mewnosoder y paragraff a ganlyn-

"27. Any payment made pursuant to section 14F of the Children Act 1989 (Special Guardianship Support Services) to a resident who is special guardian or a prospective special guardian."

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(2).

8 Mawrth 2005

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

(1) 1989 p.41. Caiff adran 14F o Ddeddf Plant 1989 ei mewnosod gan adran 115 of Ddeddf Mabwysiadu a Phlant 2002 p.38.

(2) 1998 p. 38

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ON

(2) After paragraph 28J of Schedule 3 to the Principal Regulations, insert the following paragraph-

"28K. Any payment made pursuant to section 14F of the Children Act 1989(1) (Special Guardianship Support Services) to a resident who is special guardian or a prospective special guardian. "

Amendments to Schedule 4 of the Principal Regulations - Sums disregarded in the calculation of capital

4. After paragraph 26 of Schedule 4 of the Principal Regulations, insert the following paragraph-

"27. Any payment made pursuant to section 14F of the Children Act 1989 (Special Guardianship Support Services) to a resident who is special guardian or a prospective special guardian."

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

8 March 2005

The Presiding Officer of the National Assembly

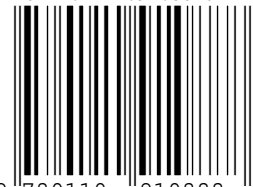
(1) 1989 c.41. Section 14F of the Children Act 1989 is inserted by section 115 of the Adoption and Children Act 2002 c.38.

(2) 1998 c. 38

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