



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2006 Rhif 1051 (Cy.107)**

**2006 No. 1051 (W.107)**

**GWASANAETHAU CYMORTH  
GWLADOL, CYMRU**

**NATIONAL ASSISTANCE  
SERVICES, WALES**

Rheoliadau Cymorth Gwladol  
(Asesu Adnoddau a Symiau at  
Anghenion Personol) (Diwygio)  
(Cymru) 2006

The National Assistance  
(Assessment of Resources and  
Sums for Personal Requirements)  
(Amendment) (Wales) Regulations  
2006

**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 pennu'r swm wythnosol y mae awdurdodau lleol i ragdybio, yn niffyg amgylchiadau arbennig, y bydd ar breswylwyr, sydd mewn llety a drefnwyd o dan Ran 3 o Ddeddf Cymorth Gwladol 1948, ei angen at eu hanghenion personol. O 10 Ebrill 2006 ymlaen, rhagdybir y bydd ar bob preswlydd o'r fath angen £20.00 yr wythnos.

These Regulations set the weekly sum which local authorities are to assume, in the absence of special circumstances, that residents who are in accommodation arranged under Part 3 of the National Assistance Act 1948, will need for their personal requirements. From the 10th April 2006 all such residents will be assumed to need £20.00 per week.

Yn ail, mae'r Rheoliadau hyn yn gwneud diwygiadau pellach i Reoliadau Cymorth Gwladol (Asesu Adnoddau) 1992 ("y Prif Reoliadau").

Secondly, 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 a drefnwyd ar ei gyfer 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 accommodation arranged for him or her under Part 3 of the National Assistance Act 1948.

Mae'r diwygiadau yn darparu i bartneriaid sifil gael eu trin yn yr un modd â phobl briod ac i daliadau cymorth mabwysiadu o dan Ddeddf Mabwysiadu a Phlant 2002 gael eu diystyru fel cyfalaf ac fel incwm.

The amendments provide for civil partners to be treated in the same way as spouses and for adoption support payments under the Adoption and Children Act 2002, to be disregarded both as capital and income.

Mae codiadau blynyddol hefyd yn y terfynau cyfalaf a'r diystyriad ar gyfer y rhai sy'n cael credyd pensiwn.

There are also annual increases to the capital limits and the disregard for those in receipt of pension credit.

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*Wedi'u gwneud* 4 Ebrill 2006

*Made* 4 April 2006

*Yn dod i rym* 10 Ebrill 2006

*Coming into force* 10 April 2006

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 22(4) a (5) o Ddeddf Cymorth Gwladol 1948(1) ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(2) drwy hyn yn gwneud y Rheoliadau a ganlyn.

The National Assembly for Wales, in exercise of the powers conferred upon the Secretary of State by sections 22 (4) and (5) of the National Assistance Act 1948(1) and now vested in the National Assembly for Wales(2) hereby makes the following Regulations.

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

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau a Symiau at Anghenion Personol) (Diwygio) (Cymru) 2006.

1.-(1) The name of these Regulations is The National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2006.

(2) Daw'r Rheoliadau hyn i rym ar 10 Ebrill 2006.

(2) These regulations come into force on 10 April 2006.

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

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

(1) 1948 p.29. *Gweler* adrannau 35(1) a 64(1) o Ddeddf Cymorth Gwladol 1948 i gael y diffiniadau o "the minister" a "prescribed" yn y drefn honno ac erthygl 2 o Orchymyn yr Ysgrifennydd Gwladol dros Wasanaethau Cymdeithasol 1968 (O.S.1968/1699) a drosglwyddodd holl swyddogaethau'r Gweinidog Iechyd i'r Ysgrifennydd Gwladol.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 22(4) a (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. *See* sections 35(1) and 64(1) of the National Assistance Act 1948 for the definitions of "the minister" and "prescribed" respectively and article 2 of the Secretary of State for Social Services Order 1968 (S.I.1968/1699) which transferred all functions of the Minister of Health to the Secretary of State.

(2) The functions of the Secretary of State under sections 22 (4) and (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.

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

(4) These Regulations apply in relation to Wales.

### **Symiau y mae eu hangen at anghenion personol**

2. Y swm y mae awdurdod lleol yn rhagdybio y bydd ei angen ar berson at ei anghenion personol o dan adran 22(4) o Ddeddf Cymorth Gwladol 1948(1) yw £20.00 yr wythnos.

### **Sums needed for personal requirements**

2. The sum which a local authority assumes a person to need for his or her personal requirements under section 22(4) of the National Assistance Act 1948(1) is £20.00 per week.

### **Dirymu**

3. Mae Rheoliadau Cymorth Gwladol (Symiau at Anghenion Personol) (Cymru) 2005(2) drwy hyn wedi'u dirymu.

### **Revocation**

3. The National Assistance (Sums for Personal Requirements) (Wales) Regulations 2005(2) are hereby revoked.

### **Diwygio rheoliad 2 o'r Prif Reoliadau**

4. Ym mharagraff (1) o reoliad 2 o'r Prif Reoliadau (dehongli), yn y diffiniad o "liable relative", yn lle "or former spouse", rhodder ", former spouse, civil partner or former civil partner".

### **Amendment of regulation 2 of the Principal Regulations**

4. In paragraph (1) of regulation 2 of the Principal Regulations (interpretation), in the definition of "liable relative", for "or former spouse", substitute ", former spouse, civil partner or former civil partner".

### **Diwygio rheoliad 20A o'r Prif Reoliadau**

5. Ym mharagraff (2) o reoliad 20A o'r Prif Reoliadau yn lle'r ffigur "£21,000" rhodder y ffigur "£21,500".

### **Amendment of regulation 20A of the Principal Regulations**

5. In paragraph (2) of regulation 20A of the Principal Regulations replace the figure "£21,000" with the figure "£21,500".

### **Diwygio rheoliad 28A o'r Prif Reoliadau**

6. Ym mharagraff (2) o reoliad 28A o'r Prif Reoliadau (cyfrifo incwm tariff o gyfalaf - Cymru)-

- (a) yn lle'r ffigur "£14,750" rhodder y ffigur "£16,000" yn y ddau le y mae'n ymddangos; a
- (b) yn lle'r ffigur "£21,000" rhodder y ffigur "£21,500".

### **Amendment of regulation 28A of the Principal Regulations**

6. In paragraph (2) of regulation 28A of the Principal Regulations (calculation of tariff income from capital - Wales)-

- (a) replace the figure "£14,750" with the figure "£16,000" in both places where it appears; and
- (b) replace the figure "£21,000" with the figure "£21,500".

### **Diwygio Atodlen 3 i'r Prif Reoliadau**

7. Yn Atodlen 3 i'r Prif Reoliadau (symiau i'w diystyru wrth gyfrifo incwm nad yw'n enillion)-

- (a) Ym mharagraff 10A(3)-
  - (i) yn is-baragraffau (1)(a) a (3), ar ôl "spouse" mewnosoder "or civil partner", a
  - (ii) yn is-baragraff (1)(b), ar ôl "spouse's maintenance" mewnosoder "or his civil partner for that civil partner's maintenance";

### **Amendment of Schedule 3 to the Principal Regulations**

7. In Schedule 3 to the Principal Regulations (sums to be disregarded in the calculation of income other than earnings)-

- (a) In paragraph 10A(3)-
  - (i) in sub-paragraphs (1)(a) and (3), after "spouse" insert "or civil partner", and
  - (ii) in sub-paragraph (1)(b), after "spouse's maintenance" insert "or his civil partner for that civil partner's maintenance";

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(1) 1948 p.29.

(2) O.S. 2005/ 663 (Cy.53).

(3) Wedi'i fewnosod gan O.S. 1996/602 a'i ddiwygio gan O.S. 1997/485.

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(1) 1948 c.29.

(2) S.I. 2005/ 663 (W.53).

(3) Inserted by S.I. 1996/602 and amended by S.I. 1997/485.

- (b) ym mharagraff 17(1)-
- (i) yn lle is-baragraff (1)(a) rhodder-  
 "(a)pursuant to regulations made under section 2(6)(b) or 3 of the Adoption and Children Act 2002(2)"; a
- (ii) yn lle is-baragraff (2) rhodder-  
 "(2) Any payment other than a payment to which sub-paragraph (1)(a) applies, made to the resident pursuant to regulations made under section 2(6)(b) or 3 of the Adoption and Children Act 2002.";
- (c) ym mharagraff 28H
- (i) yn is-baragraffau (1) a (2) yn lle'r ffigur "£4.85" rhodder y ffigur "£5.05" ym mhob man y mae'n ymddangos; a
- (ii) yn is-baragraffau (3) a (4) yn lle'r ffigur "£7.20" rhodder y ffigur "£7.50" ym mhob man y mae'n ymddangos.

- (b) in paragraph 17(1)-
- (i) for sub-paragraph(1)(a) substitute-  
 "(a)pursuant to regulations made under section 2(6)(b) or 3 of the Adoption and Children Act 2002(2)"; and
- (ii) for sub-paragraph (2) substitute-  
 "(2) Any payment other than a payment to which sub-paragraph (1)(a) applies, made to the resident pursuant to regulations made under section 2(6)(b) or 3 of the Adoption and Children Act 2002.";
- (c) in paragraph 28H
- (i) in sub-paragraphs (1) and (2) replace the figure "£4.85" with the figure "£5.05" at each place where it appears; and
- (ii) in sub-paragraphs (3) and (4) replace the figure of "£7.20" with the figure "£7.50" at each place where it appears.

#### Diwygio Atodlen 4 i'r Prif Reoliadau

8. Yn Atodlen 4 i'r Prif Reoliadau (cyfalaf i'w ddiystyru) yn lle paragraff 24 rhodder-

"24. Any payment made to the resident pursuant to regulations made under section 2(6)(b) or 3 of the Adoption and Children Act 2002."

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(3)

4 Ebrill 2006

#### Amendment of Schedule 4 to the Principal Regulations

8. In Schedule 4 to the Principal Regulations (capital to be disregarded) for paragraph 24 substitute-

"24. Any payment made to the resident pursuant to regulations made under section 2(6)(b) or 3 of the Adoption and Children Act 2002."

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

4 April 2006

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(1) Wedi'i ddiwygio gan O.S. 2003/2530.

(2) 2002 c.38.

(3) 1998 p. 38.

(1) Amended by S.I. 2003/2530.

(2) 2002 c.38.

(3) 1998 c. 38.

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