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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2010 Rhif 799 (Cy.79)**

**2010 No. 799 (W.79)**

**GWASANAETHAU CYMORTH  
GWLADOL, CYMRU**

**NATIONAL ASSISTANCE  
SERVICES, WALES**

Rheoliadau Cymorth Gwladol  
(Asesu Adnoddau a Symiau at  
Anghenion Personol) (Diwygio)  
(Cymru) 2010

The National Assistance  
(Assessment of Resources and  
Sums for Personal Requirements)  
(Amendment) (Wales) Regulations  
2010

**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, sy'n gymwys o ran Cymru, yn diwygio Rheoliadau Cymorth Gwladol (Asesu Adnoddau a Symiau at Anghenion Personol) (Diwygio) (Cymru) 2009 ("y Rheoliadau Anghenion Personol") a Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992 ("y Prif Reoliadau"). Deuant i rym ar 6 Ebrill 2010 at ddibenion rheoliad 6 ac ar 12 Ebrill 2010 at bob diben arall.

These Regulations, which apply in relation to Wales, amend the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2009 ("the Personal Requirements Regulations") and the National Assistance (Assessment of Resources) Regulations 1992 ("the Principal Regulations"). They come into force on 6 April 2010 for the purposes of regulation 6 and on 12 April 2010 for all other purposes.

Mae rheoliad 2 yn diwygio'r swm sydd ei angen ar gyfer anghenion personol, fel bod y swm wythnosol y mae awdurdodau lleol yng Nghymru i'w ragdybio, yn niffyg amgylchiadau arbennig, y bydd ei angen ar breswylwyr mewn llety a drefnir o dan Ran 3 o Ddeddf Cymorth Gwladol 1948, ar gyfer anghenion personol yn cynyddu i £22.50 yr wythnos.

Regulation 2 amends the sum needed for personal requirements so that the weekly sum that local authorities in Wales are to assume, in the absence of special requirements that residents in accommodation arranged under Part 3 of the National Assistance Act 1948 will need for their personal requirements is increased to £22.50 per week.

Mae rheoliadau 3 a 4 yn dirymu rhannau o'r Rheoliadau Anghenion Personol a'r Prif Reoliadau. Effaith dirymu rheoliad 28A o'r Prif Reoliadau yw y diddymir y system bresennol o gyfrifo incwm tariff drwy gael terfyn cyfalaf isaf ac uwch, fel nad oes bellach ddim ond un terfyn cyfalaf, sydd yn aros yn £22,000.

Regulations 3 and 4 revoke parts of the Personal Requirements Regulations and of the Principal Regulations. The effect of revocation of regulation 28A of the Principal Regulations is that the current system of calculating tariff income by having a lower and upper capital limit is abolished, so that there is now only one capital limit which remains at £22,000.

Mae rheoliad 5 yn darparu ar gyfer cynyddu i £5.75 (£8.60 os oes partner gan y preswlydd) swm unrhyw gredyd cynilion sydd i'w ddiystyru yn unol â pharagraff 28H o Atodlen 3 i'r Prif Reoliadau.

Regulation 5 provides for an increase to £5.75 (£8.60 if the resident has a partner) in the amount of any savings credit to be disregarded in accordance with paragraph 28H of Schedule 3 to the Principal Regulations

Mae rheoliad 6 yn gwneud dau ddiwygiad pellach i'r Prif Reoliadau.

Diwygiad canlyniadol yw paragraff (3), a wneir o ganlyniad i ddiwygiadau ("y diwygiadau") yn Rheoliadau Cymhorthdal Incwm (Cyffredinol) 1987, a ddaw i rym ar 6 Ebrill 2010. Mae'r ddiystyriaeth enillion ar gyfer hawlwr sy'n cael premiwm anabledd wedi ei gysylltu ag oedran ymddeol, a chyn i'r diwygiadau ddod i rym byddai'n dod i ben pan gyrhaeddai'r hawlydd 60 oed. O ganlyniad i'r diwygiadau, newidiwyd yr oedran pan delir premiwm anabledd er mwyn cysoni'r hawlogaeth â'r oedran cymwys am greyd pensiwn y wladwriaeth. Mae rheoliad 6(3) yn gwneud y newidiadau sy'n ofynnol i gysoni'r darpariaethau.

Mae paragraff (5) yn diwygio'r Prif Reoliadau fel bod y cyfalaf a ddiystyri'r ar gyfer gwerth mangre a feddiennir gan bartner neu aelod o deulu preswlydd yn gymwys mewn perthynas â phob partner (ac nid yn unig partneriaid sy'n 60 oed a throsodd neu'n analluog) ac o ran aelodau teuluol a pherthnasau eraill, yn gymwys yn unig mewn perthynas â rhai sy'n 60 oed a throsodd neu'n analluog.

Regulation 6 makes two further amendments to the Principal Regulations.

Paragraph (3) is a consequential amendment made as a result of amendments ("the amendments") to the Income Support (General) Regulation 1987 which come into force on 6 April 2010. The earnings disregard for claimants in receipt of a disability premium is linked to retirement age and, prior to the amendments coming into force, ceased when the claimant reached the age of 60. As a result of the amendments, the age at which a disability premium is paid has changed so that entitlement will be aligned with the qualifying age for state pension credit. Regulation 6(3) makes the changes necessary to align the provisions.

Paragraph (5) amends the Principal Regulations so that the capital disregard for the value of premises occupied by a partner or a family member of a resident applies in relation to all partners (and not just those who are aged 60 or over or are incapacitated) and only in relation to other family members and relatives who are aged 60 or over or are incapacitated.

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The National Assistance  
(Assessment of Resources and  
Sums for Personal Requirements)  
(Amendment) (Wales) Regulations  
2010

*Gwnaed* 15 Mawrth 2010

*Made* 15 March 2010

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 16 Mawrth 2010

*Laid before the National Assembly  
for Wales* 16 March 2010

*Yn dod i rym*

*Coming into force*

*At ddibenion rheoliad 6* 6 Ebrill 2010

*For the purpose of regulation 6* 6 April 2010

*At bob diben arall* 12 Ebrill 2010

*For all other purposes* 12 April 2010

Mae Gweinidogion 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 ynddynt hwy(2), drwy hyn yn gwneud y Rheoliadau canlynol.

The Welsh Ministers, 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 them (2) hereby make the following regulations.

**Enwi, cychwyn, dehongli a chymhwyso**

**Title, commencement, interpretation and application**

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau a Symiau at Anghenion Personol) (Diwygio) (Cymru) 2010.

1.–(1) The title of these Regulations is The National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2010.

(2) Daw'r Rheoliadau hyn i rym ar–

(2) These Regulations come into force on

(a) 6 Ebrill 2010 at ddibenion rheoliad 6; a

(a) 6 April 2010 for the purposes of regulation 6; and

(b) 12 Ebrill 2010 at bob diben arall.

(b) 12 April 2010 for all other purposes.

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(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.

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(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) 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) a throsglwyddwyd hwy i Weinidogion Cymru gan baragraff 30 o Atodlen 11 o Ddeddf Llywodraeth Cymru 2006.

(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) and transferred to the Welsh Ministers by paragraph 30 of Schedule 11 of the Government of Wales Act 2006.

(3) Yn y Rheoliadau hyn, ystyr "y Prif Reoliadau" ("*the Principal Regulations*") yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992(1).

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

### Symiau y mae eu hangen at anghenion personol

2. Y swm y bydd awdurdod lleol yn rhagdybio y bydd ei angen ar berson at ei anghenion personol o dan adran 22(4) o Ddeddf Cymorth Gwladol 1948 fydd £22.50 yr wythnos.

### Dirymu

3. Mae rheoliadau 2, 3, 4, 5 o Reoliadau Cymorth Gwladol (Asesu Adnoddau a Symiau at Anghenion Personol) (Diwygio) (Cymru) 2009(2) drwy hyn wedi eu dirymu.

4. Mae rheoliad 28A o'r Prif Reoliadau drwy hyn wedi ei ddirymu.

### Cynyddu swm y credyd cynilion sydd i'w ddiystyru

5.–(1) Diwygir y Prif Reoliadau yn unol â'r paragraff canlynol.

Yn Atodlen 3 ym mharagraff 28H–

- (a) yn is-baragraffau (1) a (2) yn lle'r ffigur "£5.65" rhodder y ffigur "£5.75" ym mhob lle y mae'n ymddangos; a
- (b) yn is-baragraffau (3) a (4) yn lle'r ffigur "£8.45" rhodder y ffigur "£8.60" ym mhob lle y mae'n ymddangos.

### Diwygiadau eraill i'r Prif Reoliadau

6.–(1) Diwygir y Prif Reoliadau ymhellach yn unol â'r paragraffau canlynol.

(2) Yn rheoliad 2(1) (dehongli) ar ôl y geiriau "prospective resident" mewnosoder–

""qualifying age"" has the same meaning as in section 1(6) of the State Pension Credit Act 2002(3);

"relative" has the same meaning as in the Income Support Regulations;"(4).

(3) Yn Atodlen 2 (symiau sydd i'w diystyru wrth gyfrifo enillion), yn is-baragraff (2) o baragraff 3–

- (a) ym mharagraff (b), yn lle "the age of 60" rhodder "the qualifying age"; a

(1) O.S. 1992/2977 fel y'i diwygiwyd gan gyfres o offerynnau dilynol.

(2) O.S. 2009/632 (Cy.58).

(3) 2002 p.16.

(4) Mewnosodwyd diffiniad o "relative" yn yr un termau ar gyfer yr Alban yn unig gan O.S.A. 2009/381, rheoliad 2(1).

(3) In these Regulations, "the Principal Regulations" ("*y Prif Reoliadau*") means the National Assistance (Assessment of Resources) Regulations 1992(1).

(4) These Regulations apply in relation to Wales.

### 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 is £22.50 per week.

### Revocation

3. Regulations 2, 3, 4, 5 of the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2009(2) are hereby revoked.

4. Regulation 28A of the Principal Regulations is hereby revoked.

### Increase in amount of savings credit to be disregarded

5.–(1) The Principal Regulations are amended in accordance with the following paragraph.

In Schedule 3, paragraph 28H–

- (a) in sub-paragraphs (1) and (2) replace the figure "£5.65" with the figure "£5.75" at each place where it appears; and
- (b) in sub-paragraphs (3) and (4) replace the figure of "£8.45" with the figure "£8.60" in each place where it appears.

### Other Amendments to the Principal Regulations

6.–(1) The Principal Regulations are further amended in accordance with the following paragraphs.

(2) In regulation 2(1) (interpretation) after "prospective resident" insert–

""qualifying age"" has the same meaning as in section 1(6) of the State Pension Credit Act 2002(3);

"relative" has the same meaning as in the Income Support Regulations;"(4).

(3) In Schedule 2 (sums to be disregarded in the calculation of earnings), in sub-paragraph (2) of paragraph 3–

- (a) in paragraph (b), for "the age of 60" substitute "the qualifying age"; and

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

(2) S.I. 2009/632 (W.58).

(3) 2002 c.16.

(4) A definition of "relative" in the same terms was inserted for Scotland only by S.S.I. 2009/381, regulation 2(1).

(b) ym mharagraff (c), yn lle "the age of 60" ym mhob lle y mae'n ymddangos, rhodder "the qualifying age".

(4) Yn Atodlen 3 (symiau sydd i'w diystyru wrth gyfrifo incwm ac eithrio enillion), yn is-baragraff (6) o baragraff 28H, hepgorer paragraff (b).

(5) Yn Atodlen 4 (cyfalaf sydd i'w ddiystyru), ym mharagraff 2(1), yn lle is-baragraffau (1) a (2) rhodder—

"(1) The value of any premises—

- (a) which would be disregarded under paragraph 2 or 4(b) of Schedule 10 to the Income Support Regulations (premises acquired for occupation and premises occupied by a former partner); or
- (b) occupied in whole or in part as their home by the resident's—
  - (i) partner,
  - (ii) other family member or relative who is aged over 60 or over or is incapacitated, or
  - (iii) child".

(b) in paragraph (c) for "the age of 60" in each place where it occurs, substitute "the qualifying age".

(4) In Schedule 3 (sums to be disregarded in the calculation of income rather than earnings), in sub-paragraph (6) of Paragraph 28H, omit paragraph (b).

(5) In Schedule 4 (capital to be disregarded), in paragraph 2(1) for sub-paragraphs (1) and (2) substitute—

"(1) The value of any premises—

- (a) which would be disregarded under paragraph 2 or 4(b) of Schedule 10 to the Income Support Regulations (premises acquired for occupation and premises occupied by a former partner); or
- (b) occupied in whole or in part as their home by the resident's—
  - (i) partner,
  - (ii) other family member or relative who is aged over 60 or over or is incapacitated, or
  - (iii) child".

*Gwenda Thomas*

Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol, o dan awdurdod y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

15 Mawrth 2010

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

15 March 2010

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(1) Rhoddodd O.S. 1993/964 ddarpariaethau yn lle paragraff 2 ac fe'i diwygiwyd gan O.S. 2009/462.

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(1) Paragraph 2 was substituted by S.I. 1993/964 and amended by S.I. 2009/462.

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