



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

**OFFERYNNAU STATUDOL**

**STATUTORY INSTRUMENTS**

**2001 Rhif 1409 (Cy. 95)**

**2001 No. 1409 (W.95)**

**GWASANAETHAU CYMORTH  
GWLADOL, CYMRU**

**NATIONAL ASSISTANCE  
SERVICES, WALES**

Rheoliadau Cymorth Gwladol  
(Asesu Adnoddau)  
(Diwygio Rhif 2) (Cymru) 2001

The National Assistance  
(Assessment of Resources)  
(Amendment No.2) (Wales)  
Regulations 2001

**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 dynt 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 peidio ag asesu unrhyw breswlydd fel un sy'n methu â thalu 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 nag £16,000. Mae'r Rheoliadau hyn yn diwygio'r prif Reoliadau er mwyn cynyddu'r terfyn cyfalaf o £16,000 i £18,500. Mae'r prif Reoliadau yn darparu hefyd ar gyfer cyfrifo incwm preswlydd i gymryd i ystyriaeth gyfalaf sy'n cael ei drin fel swm sy'n cyfateb i incwm. Mae'r Rheoliadau hyn yn diwygio terfynau uchaf ac isaf cyfalaf o'r fath fel bod pob £250 cyflawn rhyngddynt, neu unrhyw ran ohono nad yw'n £250 cyflawn, yn cael ei drin fel swm sy'n cyfateb i incwm wythnosol o £1. Mae'r Rheoliadau yn cyflwyno categorïau pellach o gyfalaf hefyd sydd i'w

The principal Regulations provide that no resident shall be assessed as unable to pay for Part III accommodation at the standard rate if that resident's capital, calculated in accordance with the principal Regulations, exceeds £16,000. These Regulations amend the principal Regulations to increase the capital limit from £16,000 to £18,500. The principal Regulations also provide for the calculation of a resident's income to take account of capital which is treated as equivalent to income. These Regulations amend the upper and lower limits of such capital between which each complete £250, or any part which is not a complete £250, is treated as equivalent to a weekly income of £1. The Regulations also introduce further categories of capital to be disregarded in the

hanwybyddu wrth asesu adnoddau preswlydd. Mae gwerth unrhyw annedd a fyddai fel arall yn cael ei feddiannu gan y preswlydd fel ei unig neu brif breswylfa i'w anwybyddu am gyfnod o 12 wythnos o dan yr amgylchiadau a bennir yn y Rheoliadau. Yn ychwanegol, mae'r Rheoliadau yn darparu ar gyfer anwybyddu taliadau sy'n cael eu gwneud o dan ymddiriedolaeth a sefydlwyd â chyllid a ddarparwyd gan yr Ysgrifennydd Gwladol dros Iechyd mewn perthynas â phersonau a ddioddefodd neu sy'n dioddef gan glefyd amrywiadol Creutzfeldt-Jakob.

assessment of a resident's resources. The value of any dwelling that would otherwise be occupied by the resident as his or her only or main residence is to be disregarded for a period of 12 weeks in the circumstances specified in the Regulations. In addition the Regulations provide for a disregard of payments made under a trust established out of funds provided by the Secretary of State for Health in respect of persons who suffered or are suffering from variant Creutzfeldt-Jakob disease.

**2001 Rhif 1409 (Cy. 95)****2001 No. 1409 (W. 95)****GWASANAETHAU CYMORTH  
GWLADOL, CYMRU****NATIONAL ASSISTANCE  
SERVICES, WALES****Rheoliadau Cymorth Gwladol  
(Asesu Adnoddau)  
(Diwygio Rhif 2) (Cymru) 2001****The National Assistance  
(Assessment of Resources)  
(Amendment No. 2) (Wales)  
Regulations 2001**

*Wedi'u gwneud* 4 Ebrill 2001

*Yn dod i rym  
at ddiben Rheoliad 2(6)* 12 Ebrill 2001

*at bob diben arall* 9 Ebrill 2001

*Made* 4th April 2001

*Coming into force  
for the purpose of Regulation 2(6)* 12th April 2001

*for all other purposes* 9th April 2001

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 chymhwyso****Citation, commencement, interpretation and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygio Rhif 2) (Cymru) 2001 a deuant i rym at ddibenion Rheoliad 2(6) ar 12 Ebrill 2001 ac at bob diben arall ar 9 Ebrill 2001.

1.-(1) These Regulations may be cited as the National Assistance (Assessment of Resources) (Amendment No.2) (Wales) Regulations 2001 and shall come into force for the purposes of Regulation 2(6) on 12th April 2001 and for all other purposes on 9th April 2001.

(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) Bydd y Rheoliadau hyn yn gymwys i Gymru yn unig.

(3) These Regulations shall 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 1986 (p.50) a pharagraff 2 o Atodlen 4 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 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 fel y'i diwygiwyd gan O.S. 1993/964, 1993/2230, 1994/825, 1994/2386, 1995/858, 1995/3054, 1996/602, 1997/485, 1998/497, 1998/1730, 2001/276 (Cy.12), ac, mewn perthynas â Lloegr yn unig, gan O.S. 2001/58.

(c) S.I. 1992/2977 as amended by S.I. 1993/964, 1993/2230, 1994/825, 1994/2386, 1995/858, 1995/3054, 1996/602, 1997/485, 1998/497, 1998/1730, 2001/276 (W.12), and, in relation to England only S.I. 2001/58.

## Diwygio'r prif Reoliadau

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

(2) Yn rheoliad 2(1) (dehongli) mewnosodir ar ôl y diffiniad o "partner", y diffiniad canlynol -

"permanent resident" means a resident who is not a temporary resident."

(3) Yn rheoliad 20 (terfyn cyfalaf) yn lle'r ffigur "£16,000" rhoddir y ffigur "£18,500".

(4) Yn rheoliad 28 (1) (cyfrifo incwm tariff o gyfalaf) yn lle'r ffigur "£10,000", lle mae'n ymddangos, rhoddir y ffigur "£11,500" ac yn lle'r ffigur "£16,000" rhoddir y ffigur "£18,500".

(5) Yn Atodlen 4 i'r prif Reoliadau, ar ôl paragraff 1, mewnosodir y paragraff canlynol -

"1A.-(1) In the case of a resident who becomes a permanent resident on or after 9 April 2001 ("a qualifying resident") in respect of the first period of permanent residence the value of any dwelling which he would otherwise normally occupy as his only or main residence ("his home") for a period of 12 weeks beginning with the day on which the first period of residence begins.

(2) In the case of a qualifying resident

- (a) who ceases to be a permanent resident, and
- (b) who subsequently becomes a permanent resident again at any time within the period of 52 weeks from the end of the first period of permanent residence,

the value of his home for such period (if any) which when added to the period disregarded under sub-paragraph (1) in respect of his first period of permanent residence does not exceed 12 weeks in total.

(3) In the case of a qualifying resident

- (a) who ceases to be a permanent resident and is not a person to whom sub-paragraph (2) has applied, and
- (b) who subsequently becomes a permanent resident again at any time after a period of more than 52 weeks from the end of the first period of residence,

the value of his home for a period of 12 weeks beginning with the day on which the second period of permanent residence begins.

(4) In this paragraph "the first period of permanent residence" means the period of permanent residence beginning on or after 9th April 2001 and "the second

## Amendment of the principal Regulations

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

(2) In regulation 2(1) (interpretation) there shall be inserted after the definition of "partner", the following definition -

"permanent resident" means a resident who is not a temporary resident."

(3) In regulation 20 (capital limit) for the figure "£16,000" there shall be substituted the figure "£18,500".

(4) In regulation 28(1) (calculation of tariff income from capital) for the figure "£10,000", where it appears, there shall be substituted the figure "£11,500" and for the figure "£16,000" there shall be substituted the figure of "£18,500".

(5) In Schedule 4 to the principal Regulations, after paragraph 1, there shall be inserted the following paragraph -

"1A.-(1) In the case of a resident who becomes a permanent resident on or after 9 April 2001 ("a qualifying resident") in respect of the first period of permanent residence the value of any dwelling which he would otherwise normally occupy as his only or main residence ("his home") for a period of 12 weeks beginning with the day on which the first period of residence begins.

(2) In the case of a qualifying resident

- (a) who ceases to be a permanent resident, and
- (b) who subsequently becomes a permanent resident again at any time within the period of 52 weeks from the end of the first period of permanent residence,

the value of his home for such period (if any) which when added to the period disregarded under sub-paragraph (1) in respect of his first period of permanent residence does not exceed 12 weeks in total.

(3) In the case of a qualifying resident

- (a) who ceases to be a permanent resident and is not a person to whom sub-paragraph (2) has applied, and
- (b) who subsequently becomes a permanent resident again at any time after a period of more than 52 weeks from the end of the first period of residence,

the value of his home for a period of 12 weeks beginning with the day on which the second period of permanent residence begins.

(4) In this paragraph "the first period of permanent residence" means the period of permanent residence beginning on or after 9th April 2001 and "the second

period of permanent residence" means the period of permanent residence beginning at anytime after the period of 52 weeks referred to in subparagraph (3)(b)."

(6) Yn yr Atodlen 4 a enwyd, ar ôl paragraff 20, mewnosodir y paragraff canlynol -

"21. Any payment which would be disregarded under paragraph 64 of Schedule 10 to the Income Support Regulations (payments under a trust established out of funds provided by the Secretary of State in respect of persons who suffered or are suffering from variant Creutzfeld-Jacob disease).".

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

4 Ebrill 2001

*Dafydd Elis Thomas*

Llywydd y Cynulliad Cenedlaethol

period of permanent residence" means the period of permanent residence beginning at anytime after the period of 52 weeks referred to in subparagraph (3)(b)."

(6) In the said Schedule 4, after paragraph 20, there shall be inserted the following paragraph -

"21. Any payment which would be disregarded under paragraph 64 of Schedule 10 to the Income Support Regulations (payments under a trust established out of funds provided by the Secretary of State in respect of persons who suffered or are suffering from variant Creutzfeld-Jacob disease).".

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

4th April 2001

The Presiding Officer of the National Assembly

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(a) 1998 p.38.

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(a) 1998 c.38





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**£2.00**

W/267/06/01

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ISBN 0-11-090221-1



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