OFFERYNNAU STATUDOL CYMRU

2003 Rhif 2530 (Cy.245)

GWASANAETHAU CYMORTH GWLADOL, CYMRU

Rheoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygiad Rhif 2) (Cymru) 2003

Wedi'u gwneud - -	*1 Hydref 2003*
Yn dod i rym - -	*6 Hydref 2003*

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(**1**) ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(**2**):

Enwi, cychwyn, dehongli a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygiad Rhif 2) (Cymru) 2003 a deuant i rym ar 6 Hydref 2003.

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

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

Diwygio Rheoliad 2 o'r Prif Reoliadau — Dehongli

2. Ym mharagraff (1) o reoliad 2 o'r Prif Reoliadau (dehongli) —

(a) mewnosoder y diffiniadau canlynol yn ôl trefn yr wyddor—

""the Pension Credit Regulations" means the State Pension Credit Regulations 2002(**4**)

(**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 gan adran 6 o Ddeddf Nawdd Cymdeithasol 1986 (p.50) a pharagraff 32 o Atodlen 10 iddi.

(**2**) 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).

(**3**) O.S. 1992/2977; yr offerynnau diwygio perthnasol yw O.S. 1996/602 ac O.S. 2002/814 (Cy.94).

(**4**) O.S. 2002/ 1792.

““savings credit” means a savings credit under the State Pension Credit Act 2002(**5**)

(b) yn lle'r diffiniad o “less dependent resident” rhodder—

““ less dependent resident” means a resident who is in, or for whom accommodation is proposed to be provided in, premises which are not an establishment which is carried on or managed by a person who is registered under Part II of the Care Standards Act 2000(**6**);”.

Diwygio Atodlen 3 i'r Prif Reoliadau — Diystyru Incwm

3. Yn Atodlen 3 i'r Prif Reoliadau (symiau i'w diystyried wrth gyfrifo incwm heblaw enillion)

(a) ym mharagraff 17—

(i) yn is-baragraff (a), ar ôl “(permitted allowances)” rhodder “or paragraph 3 of Schedule 4 to the Adoption and Children Act 2002(**7**))”

(ii) ar y diwedd ychwaneger yr is-baragraff canlynol—

“(2) Any payment other than a payment to which to which sub-paragraph (1)(a) applies, made to the resident in accordance with regulations made under paragraph 3 of Schedule 4 to the Adoption and Children Act 2002.”;

(b) Ar ôl paragraff 28G mewnosoder y paragraffau canlynol—

“**Pension Credit**

28H.—(1) Where a resident is in receipt of savings credit as a person who has no partner and has qualifying income not exceeding the standard minimum guarantee—

(a) the amount of that savings credit where the amount received is £4.50 or less; or

(b) £4.50 of that savings credit where the amount received is greater than £4.50.

(2) Where a resident—

(a) has no partner;

(b) has attained the age of 65; and

(c) has qualifying income in excess of the standard minimum guarantee,

£4.50 of that qualifying income.

(3) Where a resident is in receipt of savings credit as a person who has a partner and has qualifying income not exceeding the standard minimum guarantee—

(a) the amount of that savings credit where the amount received is £6.75 or less; or

(b) £6.75 of that savings credit where the amount received is greater than £6.75.

(4) Subject to paragraph (5) where a resident—

(a) has a partner;

(b) has—

(i) attained the age of 65; or

(ii) has attained the qualifying age and his partner has attained the age of 65; and

(c) has qualifying income in excess of the standard minimum guarantee,

(**5**) 2002 p.16, *gweler* adran 1(3)(b) ac adran 3.
(**6**) 2000 p.14.
(**7**) 2002 p.38.

a sum of £6.75.

(5) Where the sum referred to in sub-paragraph (4) has been disregarded in the assessment of the resident's partner's income under these Regulations, sub-paragraph (4) does not apply to the resident.

(6) For the purposes of this paragraph—

(a) a resident has a partner if he would be considered to have a partner for the purposes of the Pension Credit Regulations(**8**).

(b) "qualifying age" has the same meaning as in section 1(6) of the State Pension Credit Act 2002(**9**);

(c) "qualifying income" shall be construed in accordance with regulation 9 of the Pension Credit Regulations and for the purposes of sub-paragraphs (3) and (4) the resident's qualifying income shall include any qualifying income of his partner.

(d) "Standard minimum guarantee" means, for the purposes of —

(i) sub-paragraphs (1) and (2), the amount prescribed by regulation 6(1)(b) of the Pension Credit Regulations; and

(ii) sub-paragraphs (3) and (4), the amount prescribed by regulation 6(1)(a) of the Pension Credit Regulations.

28I. Any payment made to a temporary resident in lieu of concessionary coal pursuant to section 19 (1)(b) or (c) of the Coal Industry Act 1994(**10**)."

Diwygio Atodlen 4 i'r Prif Reoliadau — Taliadau mabwysiadu

4. Yn Atodlen 4 i'r Prif Reoliadau (cyfalaf sydd i'w ddiystyru) ar ôl paragraff 23, ychwaneger y paragraff canlynol—

"**24.** Any payment made to the resident in accordance with regulations made pursuant to paragraph 3 of Schedule 4 of the Adoption and Children Act 2002.".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998 (**11**)

D.Elis-Thomas
1 Hydref 2003 — Llywydd Cynulliad Cenedlaethol Cymru

(**8**) O.S. 2002/1792 ("Rheoliadau 2002"). Yn Rheoliadau 2002 cyfeirir at ddau aelod o gwpl priod neu ddi-briod fel "partners" (*gweler* rheoliad 1(3)). Diffinnir ymadroddion "married couple" ac "unmarried couple", at ddibenion Rheoliadau 2002, yn adran 17 o Ddeddf Credyd Pensiwn Gwladol 2002 (p.16). Ystyr "married couple" yw dyn a menyw sy'n briod â'i gilydd ac yn byw ar yr un aelwyd. Mae Rheoliad 5 o Reoliadau 2002 yn nodi'r amgylchiadau pan ymdrinnir â chwpl sy'n briod fel rhai nad ydynt yn aelodau o'r un aelwyd. Ystyr "unmarried couple" yw dyn a menyw nad ydynt yn briod â'i gilydd ond sy'n byw gyda'i gilydd fel gŵr a gwraig heblaw mewn amgylchiadau a ragnodir.
(**9**) 2002 p. 16.
(**10**) 1994 p.21.
(**11**) 1998 p.38.

EXPLANATORY NOTE

(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 gosod y sail y caiff awdurdodau lleol asesu gallu personau y maent yn trefnu llety ar eu cyfer i dalu o dan ran 3 o Ddeddf Cymorth Gwladol 1948.

Yn ogystal â diwygiadau i ganiatáu i breswylwyr fanteisio ar eu hawl i'r elfen Credyd Cynilion Credyd Pensiwn, maent hefyd yn gwneud nifer o ddiwygiadau amrywiol.

Mae Rheoliad 2 yn mewnosod dau ddiffiniad newydd mewn perthynas â Chredyd Pensiwn ac yn diweddaru diffiniad arall yn y Prif Reoliadau.

Mae Rheoliad 3 yn darparu i daliadau a wneir yn unol â rheoliadau a wnaed o dan baragraff 3 o Atodlen 4 i Ddeddf Mabwysiadu a Phlant 2002 gael eu diystyru fel incwm. Mae hefyd yn darparu i hyd at £4.50 (neu £6.75 i gwpl) i unrhyw gredyd cynilion gael eu diystyru pan fydd gan unigolyn incwm cymhwysol nad yw'n fwy na lleiafswm y warant safonol. Pan fydd gan unigolyn incwm cymhwysol sy'n fwy na lleiafswm y warant safonol mae diystyriaeth safonol o £4.50 (£6.75 i gyplau).

Mae Rheoliad 4 yn darparu i daliadau a wneir yn unol â rheoliadau a wnaed o dan baragraff 3 o Atodlen 4 i Ddeddf Mabwysiadu a Phlant 2002 gael eu diystyru fel cyfalaf.