

OFFERYNNAU STATUDOL CYMRU

**2003 Rhif 2561 (Cy.250)**

**Y GWASANAETH IECHYD GWLADOL, CYMRU**

**Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio  
a Pheidio â Chodi Tâl) (Diwygio) (Rhif 2) (Cymru) 2003**

*Wedi'u gwneud* - - *5 Hydref 2003*  
*Yn dod i rym* - - *6 Hydref 2003*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 83A, 126(4) a 128(1) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(1), drwy hyn yn gwneud y Rheoliadau canlynol:

**Enwi, cychwyn, dehongli a chymhwyso**

1.—(1) Enw'r rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Diwygio) (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'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) 1988(2).

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

**Diwygio Rheoliad 2 o'r prif Reoliadau**

2.—(1) Mae Rheoliad 2(1) o'r prif Reoliadau (*interpretation*) yn cael ei ddiwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Hepgorer y diffiniadau o—

“appropriate office”,

“nursing home”, a

- (1) 1977 p.49 (“Deddf 1977”); mewnosodwyd adran 83A gan adran 14(1) o Ddeddf Iechyd a Nawdd Cymdeithasol 1988 (p.7) ac fe'i diwygiwyd gan baragraff 6 o Atodlen 2 i Ddeddf Iechyd a Meddyginiaethau 1988 (p.49), gan baragraff 18(5) o Atodlen 9 i Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal yn y Gymuned 1990 (p.19) (“Deddf 1990”) a chan baragraff 40 o Atodlen 1 i Ddeddf Awdurdodau Iechyd 1995 (p.17).  
Diwygiwyd Adran 126(4) gan adran 65(2) o Ddeddf 1990 a chan baragraff 37(6) o Atodlen 4 i Ddeddf Iechyd 1999 (p.8).  
Adran 128(1), fel y'i diwygiwyd gan adran 26(2)(g) ac (i) o Ddeddf 1990 ynghylch y diffiniadau o “prescribed” a “regulations”.  
Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 83A, 126(4) a 128(1) o Ddeddf 1977 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, O.S. 1999/672, erthygl 2 a Atodlen 1 fel y'i diwygiwyd gan Ddeddf 1999, adran 66(5).
- (2) O.S.1988/551 fel y'i diwygiwyd gan O.S.1989/394, 517 a 614, 1990/548, 918 a 661, 1991/557, 1992/1104, 1993/608, 1995/642 a 2352, 1996/410, 1346 a 2362, 1997/748 a 2393, 1998/417, 1999/767 a 2840 (Cy.20), 2001/1397 (Cy.192) a 3322 (Cy.275) a 2003/975 (Cy.134).

“residential care home”.

(3) Yn lle'r diffiniad o “capital limit” rhodder y diffiniad canlynol —

““capital limit”

- (a) in the case of a person who lives permanently in a care home or in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948<sup>(3)</sup> is the amount prescribed in regulations made under section 22(5) of that Act<sup>(4)</sup>, and
- (b) in the case of any other person, means the amount prescribed for the purposes of section 134(1) of the Social Security Contribution and Benefits Act 1992<sup>(5)</sup>;

(4) Yn y safleoedd cywir yn nhrefn yr wyddor, mewnosoder y diffiniadau canlynol—

““care home” has the meaning given in section 3 of the Care Standards Act 2000<sup>(6)</sup>;

“pension credit guarantee credit” shall be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002<sup>(7)</sup>;

“pension credit savings credit” shall be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002;

“relevant income” has the meaning given in section 7(2) of the Tax Credits Act 2002<sup>(8)</sup>;

(5) Mae'r diffiniad o “family” yn cael ei ddiwygio'n unol â darpariaethau canlynol y paragraff hwn—

- (a) yn is-baragraff (a) yn lle “4(2)(q)” rhodder “4(2)(e)”;
- (b) yn is-baragraff (b) yn lle “4(2)(j) and (l)” rhodder “4(2)(d)”;
- (c) yn is-baragraff (c) yn lle “4(2)(o)” rhodder “4(2)(h)”.

#### **Diwygio rheoliad 4 o'r prif Reoliadau**

**3.**—(1) Mae Rheoliad 4 o'r prif Reoliadau (*description of persons entitled to full remission and payment*) yn cael ei ddiwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn lle paragraff (2) o reoliad 4 rhodder y paragraff canlynol—

“(2) The persons described in this paragraph are—

- (a) a person who is in receipt of income support;
- (b) a person who is in receipt of income-based jobseeker's allowance;
- (c) a person who is in receipt of pension credit guarantee credit;
- (d) a person who is a member of the same family as a person who is in receipt of income support, income-based jobseeker's allowance or pension credit guarantee credit;
- (e) a person who is a member of a family one member of which is in receipt of —
  - (i) working tax credit and child tax credit,
  - (ii) working tax credit which includes a disability element, or
  - (iii) child tax credit, but is not eligible for working tax credit,

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(3) 1948 p.49.

(4) Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992, O.S.1992/2977, fel y'u diwygiwyd.

(5) 1992 p.4. Y rheoliadau perthnasol yw Rheoliadau Cymhorthdal Incwm (Cyffredinol) 1987, O.S.1987/1967.

(6) 2000 p.14.

(7) 2002 p.16.

(8) 2002 p.21.

provided that the relevant income of the member or members to whom the tax credit is awarded under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £14,200;

- (f) a person who lives permanently in—
  - (i) a care home, or
  - (ii) accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948 (provision of accommodation), and who has satisfied the authority that he or she is unable to pay for that accommodation at the standard rate or, as the case may be, the full rate;
- (g) an asylum-seeker for whom support is provided under Part VI of the Immigration and Asylum Act 1999;
- (h) a member of the same family as an asylum-seeker described in sub-paragraph (g);
- (i) a relevant child within the meaning of section 23A of the Children Act 1989<sup>(9)</sup> to whom a responsible local authority is supporting under section 23B(8) of that Act;
- (j) a person whose requirements equal or exceed his or her income resources and whose capital resources do not exceed the capital limit;
- (k) a member of the same family as a person described in sub-paragraph (j);”.

#### **Diwygio rheoliad 7 o'r prif Reoliadau**

4.—(1) Mae Rheoliad 7 o'r prif Reoliadau (*claims of remission and payment*) yn cael ei ddiwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn lle is-baragraff (1)(a) o reoliad 7 rhodder yr is-baragraff canlynol—

“(a) if he or she is a person within a description prescribed by regulation 4(2)(f), (g), (h), (i), (j) or (k) or regulation 5(1) make a claim to the National Assembly for Wales on a form either provided for the purpose by it or approved by it;”.

(3) Yn lle paragraff (6) o reoliad 7 rhodder y paragraff canlynol —

“(6) Subject to paragraph (8), a notice of entitlement issued under paragraph (4) is effective for a period of 12 months beginning on the date of the claim except that —

- (a) in the case of a notice issued to a full-time student in the final or only year of a course of study, it is valid until the last day of the course;
- (b) in the case of a notice issued to a relevant child, it is valid for a period of 12 months or until the child's 18th birthday, whichever is the later;
- (c) in the case of a notice issued to a person described in regulation 4(2)(g) or 4(2)(h) (asylum-seeker and member of the family of an asylum-seeker), it is 6 months beginning on the date of the claim;
- (d) in the case of a notice issued to a person described in regulation 4(2)(e) (tax credit and member of the family), it is valid from such date and for such period as the National Assembly for Wales may determine.”.

(4) Hefgorer paragraff (6A) o reoliad 7.

#### **Diwygio rheoliad 7ZA o'r prif Reoliadau**

5. Hefgorer rheoliad 7ZA o'r prif reoliadau.

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(9) 1989 p.41.

## Diwygio Rhan I o Atodlen 1 i'r prif Reoliadau

6.—(1) Mae Rhan I o Atodlen 1 i'r prif Reoliadau (*Calculation of resources*) yn cael ei diwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Ym mharagraff 2 yn lle is-baragraff (d) rhodder yr is-baragraff canlynol—

“(d) as if the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002(10) had not been made.”.

(3) Mae Tabl A (*modifications of provisions of the Income Support (General) Regulations 1987(11) for the purposes of Part I of this Schedule*) yn cael ei ddiwygio yn unol â darpariaethau canlynol y paragraff hwn—

(a) Ar ôl y cofnod sy'n ymwneud â rheoliad 25 mewnosoder y cofnod canlynol—

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“regulation 25A	Omit this regulation.”;
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(b) Yn lle'r cofnod sy'n ymwneud â rheoliad 32 rhodder y cofnod canlynol—

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“regulation 32	In paragraph (1) for regulation 29"???" substitute “regulation 28” and for “subject to paragraphs (2) to (7)” substitute “subject to paragraph (6)”.
	In paragraph (6) omit “and has changed more than once”.
	Omit paragraphs (3) — (5), (6A) and (7).”;

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(c) Ar ôl y cofnod sy'n ymwneud â rheoliad 32 mewnosoder y cofnod canlynol—

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“regulation 35	Omit paragraphs (1)(c), (1)(g), (1)(i), (1A) and (2A).
	In paragraph (1)(d) omit the words after “employment”.
	In paragraph (2)(a) omit the words “subject to paragraph (2A)”.”;

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(ch) Yn y cofnod sy'n ymwneud â rheoliad 38—

(i) mewnosoder yr addasiad canlynol mewn cysylltiad â pharagraff (4)—

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“In paragraph (4) after “the net profit of the employment” insert “, except where paragraph (3A) or (9) applies”.”;

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(ii) hepgorer yr addasiad mewn cysylltiad â pharagraff (4A);

(d) Ar ôl y cofnod sy'n ymwneud â rheoliad 38 mewnosoder y cofnod canlynol—

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“regulations 39A-D	Omit these regulations.”;
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(10) O.S.2002/3019.

(11) O.S.1987/1967

(dd) Yn lle'r cofnod sy'n ymwneud â rheoliad 40 rhodder y cofnod canlynol —

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“regulation 40	In paragraph (1) for “regulation 29 (calculation of income other than earnings)” substitute “regulation 28 (calculation of income)” and for “paragraphs (2) to (3B)” substitute “paragraphs (2) and (3)”.
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Omit paragraphs (3A) to (5).” ;

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(e) Yn lle'r cofnod sy'n ymwneud â rheoliad 45 rhodder y cofnod canlynol—

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“regulation 45	For this regulation substitute—  <b>“Capital Limit</b>  <b>45.</b> For the purposes of regulation 5(1) of the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 the capital limit is— <ul style="list-style-type: none"><li>(a) for a claimant under 60, or if the claimant has a partner, where both are under 60 — £8,000;</li><li>(b) for a claimant permanently residing in accommodation as defined in regulation 19A — £19,500;</li><li>(c) for a claimant 60 or over, of if the claimant has a partner, where either or both are 60 or over, and neither is permanently residing in accommodation as defined in Regulation 19A— £12,000.”</li></ul>
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(f) Ar ôl y cofnod sy'n ymwneud â rheoliad 49 mewnosoder y cofnodion canlynol —

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“regulation 51	Omit sub-paragraph (1)(b).
regulation 51A	Omit this regulation.”;

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(ff) Yn lle'r cofnod sy'n ymwneud â rheoliad 53 rhodder y cofnod canlynol—

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“regulation 53	In paragraph (1A) for “£10,000” on each occasion it appears substitute “£12,000” and for “£16,000” substitute “£19,500”.
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For paragraph (1B) substitute—  
“(1B) For the purposes of paragraph (1A) and regulation 45, the prescribed circumstances

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*Statws* This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

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are that the claimant lives permanently in accommodation as set out in Regulation 19A.”.

In paragraph (3) for the reference to “regulation 60” substitute reference to “regulation 25”.”;

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(g) Yn y cofnod sy'n ymwneud ag Atodlen 9—

(i) ar ôl yr addasiad mewn cysylltiad â pharagraff 16 mewnosoder yr addasiad canlynol—

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“In paragraph 19 for “£4.00” substitute “£20.00” and omit sub-paragraph (b).”;

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(ii) Ar ôl yr addasiad mewn cysylltiad â pharagraff 37 mewnosoder yr addasiad canlynol—

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“After paragraph 77 insert the following paragraph—

“77A Any payment of State Pension Credit Savings Credit as defined under sections 1 and 3 of the State Pensions Credit Act 2002.””

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## Diwygio Rhan II o Atodlen 1 i'r prif Reoliadau

7.—(1) Mae Rhan II o Atodlen 1 i'r prif Reoliadau (*Calculation of requirements*) yn cael ei diwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Mae Tabl B (*modifications of provisions of the Income Support (General) Regulations 1987 for the purposes of Part II of this Schedule*) yn cael ei ddiwygio yn unol â darpariaethau canlynol y paragraff hwn—

(a) Yn lle'r cofnod sy'n ymwneud â rheoliad 18 rhodder y cofnod canlynol—

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“regulation 18

In paragraph (1) for the words from “regulations 21 to 22A” to “urgent cases” substitute “regulations 19A and 21 (special cases)”.

Omit paragraph (1)(cc) and (h).

After regulation 18 insert the following regulation —

### “Care Homes

**119A.**—(1) Where the claimant lives permanently in —

(a) a care home within the meaning of section 3 of the Care Standards Act 2000; or

(b) in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948; and and the claimant is a resident of such accommodation due to his or her personal circumstances and not as a carer, then the claimant's weekly applicable amount will be calculated in accordance with Part I of Schedule 4A.".";

(b) Hefgorer y cofnod sy'n ymwneud â rheoliad 19;

(c) Yn lle'r cofnod sy'n ymwneud â rheoliad 21 rhodder y cofnod canlynol—

“regulation 21

In paragraph (1) omit the words from “Subject to” to “amounts”.

In paragraph (3) omit the definition “partner of a person subject to immigration control”.

In paragraph (3) omit the definition of “person from abroad”.

Omit paragraphs (1B), (2), (3A), (3B), (3C), (3D), (3E), (3F), (4), (4A), (4B) and (5).”;

(ch) Ar ôl y cofnod sy'n ymwneud â rheoliad 21 mewnosoder y cofnod canlynol—

“regulations 21ZB and 22A

Omit these regulations.”;

(d) Yn y cofnod sy'n ymwneud ag Atodlen 2—

(i) yn lle'r addasiad mewn cysylltiad â pharagraff 1 rhodder yr addasiad canlynol—

“In column (1) of the Table for sub-paragraphs (1) to (3) substitute —

- “(1) Single Person aged not less than 25;
- (2) Lone Parent;
- (3) Single Person aged less than 25;
- (4) Couple”.

In column (2) of the Table (amounts) insert —

- (a) against sub-paragraph (1) of column (1), the amount prescribed in paragraph 1(e) of column (2) in the unmodified regulations;
- (b) against sub-paragraph (2) of column (1), the amount prescribed in paragraph 1(e) of column (2) in the unmodified regulations;

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- (c) against sub-paragraph (3) of column (1), the amount prescribed in paragraph 1(b) of column (2) in the unmodified regulations; and
- (d) against sub-paragraph (4) of column (1), the amount prescribed in paragraph 3(d) of column (2) in the unmodified regulations.”;

(ii) yn lle'r addasiad mewn cysylltiad â pharagraff 2 rhodder yr addasiad canlynol —

“In paragraph 2(1) omit “for the relevant period specified in column (1)”.”;

(iii) Ar ôl yr addasiad mewn cysylltiad â pharagraff 10 mewnosoder yr addasiad canlynol—

“omit paragraphs 10(3) and 10(4).”;

(dd) Yn y cofnod sy'n ymwneud ag Atodlen 3—

(i) Ar ôl yr addasiad mewn cysylltiad â pharagraff 1 mewnosoder yr addasiad canlynol—

“omit paragraph 1A.”;

(ii) Yn yr addasiad mewn cysylltiad â pharagraff 3 yn lle'r geiriau “is-baragraffau (8)” rhodder “is-baragraffau (7)”;

(iii) Yn yr addasiad mewn cysylltiad â pharagraff 4 yn lle'r geiriau “residential care home or a nursing home” rhodder “care home or accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948”;

(e) Ar ôl y cofnod sy'n ymwneud ag Atodlen 3 mewnosoder y cofnod canlynol—

“Schedule 3B

After Schedule 3B insert the following schedule —

#### “Schedule 4A

##### **Applicable amounts of a person in accommodation within the meaning of regulation 19A.**

1.—(1) The applicable amount of a claimant to whom regulation 19A applies shall be the aggregate of —

- (a) subject to paragraphs 1 (2) and 2, the weekly charge for the accommodation, including all meals and services provided for the claimant or, if the claimant is a member of a family, for the claimant and his or her family, increased, where



appropriate, in accordance in paragraph 2; and

- (b) a weekly amount for personal expenses for the claimant and, if the claimant is a member of a family, for each member of his or her family determined in accordance with paragraph 2.

(2) Except where otherwise provided, no amount shall be included in respect of a child or young person who is a member of the claimant's family if the capital of that child or young person calculated in accordance with Part V in like manner as for the claimant would exceed £3,000.

2.—(1) The appropriate allowance for personal expenses for the claimant and his or her partner (where appropriate) will be that set out in Schedule 9 to the Social Security Claims and Payments Regulations 1987(12) at paragraph 4(2A) (a).

(2) Where the claimant has a dependant child or children residing with him or her, the personal expenses allowed for each dependant will be that set out in Schedule 9 to the Social Security Claims and Payments Regulations 1987 at paragraph 4(2A)(a).”

(f) Heggorer y cofnod sy'n ymwneud ag Atodlen 4;

(ff) Yn lle'r cofnod sy'n ymwneud ag Atodlen 7 rhodder y cofnod canlynol—

“Schedule 7

In paragraph 1 omit the references to sub-paragraph (g) of regulation 17(1) and sub-paragraph (h) of regulation 18(1).

In column (2) of paragraph 1 omit the references to sub-paragraph (g) or regulation 17(1) and sub-paragraph (h) of regulation 18(1).

Omit both columns of paragraphs 6, 7, 10A, 10B, 10C, 16A, 17 and 19A.

In column (1) of paragraph 9 for sub-paragraphs (a)(i) and (ii) substitute the following—

- (a) (i) in a care home, or
- (ii) is in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948”.

In column (1) of paragraphs 9(b)(iii) and (iv) substitute—

- (b) (i) in a care home, or
- (ii) is in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948.”.

After paragraph 10 insert the following paragraph—

into column (1)—

“**10ZA** A claimant who is a lone parent who is temporarily in a care home or in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948.”.

into column (2) —

“Any amount applicable to the claimant under paragraphs 1(1)(a), (b) and (c) of Schedule 4A, determined as if he or she were a single claimant plus—

- (a) in respect of each child who is a member of the claimant’s family, the appropriate amount in respect of that child prescribed in paragraph 2 of Schedule 2 or under this Schedule as appropriate; and
- (b) any amount which would be applicable to the claimant, if he or she were not living away from home, under regulation 17(1)(c) or (d) in so far as it relates to the lone parent premium and family premium under paragraph 8 of Schedule 2.”.

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## Diwygio Atodlen 1A i'r prif Reoliadau

8. Hepgorer Atodlen 1A i'r prif Reoliadau (*periods of validity of notices of entitlement*).

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(13)

5 Hydref 2003

*D. Elis-Thomas*  
Llywydd y Cynulliad Cenedlaethol

*Statws* This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

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## EXPLANATORY NOTE

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

Mae'r Rheoliadau hyn yn diwygio ymhellach Reoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) 1988 (“y prif Reoliadau”) sy'n darparu ar gyfer peidio â chodi taliadau'r Gwasanaeth Iechyd Gwladol ac ar gyfer talu treuliau teithio mewn achosion penodol.

Yn achos llawer o bersonau sydd â hawl i beidio â thalu taliadau GIG ac i gael eu treuliau teithio wedi'u talu, nid yw'r hawl yn awtomatig oherwydd eu bod yn derbyn budd-daliadau penodol y wladwriaeth. Mae'r prif Reoliadau'n cynnwys darpariaeth ar gyfer cyfrifo incwm, cyfalaf a gofynion hawlydd (a rhai ei deulu neu ei theulu, lle y bônt yn berthnasol). Gwneir y cyfrifo hyn trwy gymhwyso darpariaethau Rheoliadau Cymhorthdal Incwm (Cyffredinol) 1987 sydd wedi'u haddasu ac a nodir yn Atodlen 1 i'r prif Reoliadau.

Yn rhinwedd Rheoliadau Credyd Pensiwn y Wladwriaeth (Darpariaethau Canlyniadol, Trosiannol ac Amrywiol) 2002 nid oes gan bersonau dros 60 oed yr hawl bellach i gymhorthdal incwm a chânt eu heithrio o Reoliadau 1987. Bwriedir y diwygiadau a wneir gan y Rheoliadau hyn i ddiogelu sefyllfa personau o'r fath.

At hyn, mae rheoliad 3 o'r Rheoliadau hyn yn rhoi rheoliad newydd yn y prif Reoliadau, sef rheoliad 4(2), sy'n symleiddio'r disgrifiad o bersonau sydd â hawl i beidio â thalu dim ac i gael taliad llawn.