CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2004 Rhif 2879 (Cy.249)

GWASANAETHAU CYMORTH GWLADOL, CYMRU

Rheoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygio Rhif 2) (Cymru) 2004

NODYN ESBONIADOL

(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 pennu sut y mae awdurdodau lleol yn asesu gallu person i dalu am y llety y mae awdurdodau lleol yn ei drefnu o dan Ran III o Ddeddf Cymorth Gwladol 1948.

Mae rheoliad 3 yn diwygio'r Prif Reoliadau drwy gyflwyno modd o ddiystyru incwm o ran taliadau tuag at gost gofal plant o dan adran 63(6)(b) o Ddeddf Gwasanaethau Iechyd ac Iechyd y Cyhoedd 1968 a wneir i breswylydd sydd o dan hyfforddiant sy'n gysylltiedig â'r gwasanaeth iechyd, yn rhinwedd y trefniadau a wneir o dan yr adran honno.

Mae rheoliad 4 yn darparu i'r un taliadau gael eu diystyru fel cyfalaf, a hefyd yn cyflwyno modd o ddiystyru cyfalaf o ran taliadau a wneir o dan adran 2 neu 3 o Ddeddf Taliadau ar Sail Oed 2004.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2004 No. 2879 (W.249)

NATIONAL ASSISTANCE SERVICES, WALES

The National Assistance (Assessment of Resources) (Amendment No. 2) (Wales) Regulations 2004

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations make further amendments to the National Assistance (Assessment of Resources) Regulations 1992 ("the Principal Regulations").

The Principal Regulations determine the way that local authorities assess the ability of a person to pay for the accommodation which local authorities arrange under Part III of the National Assistance Act 1948.

Regulation 3 amends the Principal Regulations by introducing an income disregard for payments towards the cost of child care under section 63(6)(b) of the Health Services and Public Health Act 1968 made to a resident who is undertaking instruction connected with the health service by virtue of arrangements made under that section.

Regulation 4 provides for the same payments to be disregarded as capital and also introduces a capital disregard for payments made under section 2 or 3 of the Age-Related Payments Act 2004.

OFFERYNNAU STATUDOL

2004 Rhif 2879 (Cy.249)

GWASANAETHAU CYMORTH GWLADOL, CYMRU

Rheoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygio Rhif 2) (Cymru) 2004

Wedi'u gwneud	*2 Tachwedd 2004*
Yn dod i rym	*3 Tachwedd 2004*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau a ganlyn 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**):

Enwi, cychwyn, dehongli a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygio Rhif 2) (Cymru) 2004.

(2) Daw'r Rheoliadau hyn i rym ar 3 Tachwedd 2004.

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

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

(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 1980 (p.30) a pharagraff 2 o Atodlen 4 iddi, a chan adran 86 o Ddeddf Nawdd Cymdeithasol 1986 (p.50) a pharagraff 32 o Atodlen 10 iddi.

(b) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 22(5) o Ddeddf Cymorth Gwladol 1948 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(c) O.S. 1992/2977; ac O.S. 1996/602, O.S. 2002/814 (Cy.94) ac O.S. 2003/897 (Cy. 117) yw'r offerynnau diwygio perthnasol.

STATUTORY INSTRUMENTS

2004 No. 2879 (W.249)

NATIONAL ASSISTANCE SERVICES, WALES

The National Assistance (Assessment of Resources) (Amendment No. 2) (Wales) Regulations 2004

Made	*2 November 2004*
Coming into force	*3 November 2004*

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**):

Citation, commencement, interpretation and application

1.-(1) These Regulations may be cited as the National Assistance (Assessment of Resources) (Amendment No. 2) (Wales) Regulations 2004.

(2) These Regulations come into force on 3 November 2004.

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

(4) These Regulations apply only to Wales.

(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 1980 (c.30), and by section 86 of and paragraph 32 of Schedule 10 to the Social Security Act 1986 (c.50).

(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) S.I. 1992/2977; relevant amending instruments are S.I. 1996/602, S.I. 2002/ 814(W.94) and S.I. 2003/897 (W. 117).

Diwygio rheoliad 2 o'r Prif Reoliadau

2. Ym mharagraff (1) o reoliad 2 o'r Prif Reoliadau (dehongli), mewnosoder y canlynol yn ôl trefn yr wyddor-

""the health service" has the same meaning as in section 128(1) of the National Health Service Act 1977(**a**)".

Diwygio Atodlen 3 i'r Prif Reoliadau (Symiau sydd i'w diystyru wrth gyfrifo incwm ac eithrio enillion)

3. Ar ôl paragraff 28I o Atodlen 3 i'r Prif Reoliadau, mewnosoder y paragraff a ganlyn-

"**28J**. Any payment made to the resident under section 63(6)(b) of the Health Services and Public Health Act 1968 ("the 1968 Act")(**b**) (travelling and other allowances to persons availing themselves of instruction) for the purpose of meeting child care costs where the instruction is provided pursuant to-

(a) section 63(1)(a) of the 1968 Act; or

(b) section 63(1)(b) of the 1968 Act and where the resident is employed, or has it in contemplation to be employed, in an activity involved in or connected with a service which must or may be provided or secured as part of the health service.".

Diwygio Atodlen 4 i'r Prif Reoliadau (Cyfalaf sydd i'w ddiystyru)

4. Yn Atodlen 4 i'r Prif Reoliadau, ar ôl paragraff 24, ychwaneger y paragraffau a ganlyn-

"**25**. Any payment made to the resident under section 2 or 3 of the Age-Related Payments Act 2004 (entitlement: basic or special cases)(**c**).

26. Any payment made to the resident under section 63(6)(b) of the Health Services and Public Health Act 1968 ("the 1968 Act")(**b**) (travelling and other allowances to persons availing themselves of instruction) for the purpose of meeting child care costs where the instruction is

(a) 1977 p.49.

(b) 1968 p.46. Mae adran 63(6) yn darparu i'r Gweinidog dalu ffioedd a dyroddi grantiau mewn perthynas â hyfforddi'r sawl a gyflogir gan y Gwasanaeth Iechyd Gwladol, neu sy'n ystyried cael ei gyflogi ganddo, ac mae is-adran (6)(b) yn caniatáu talu lwfansau teithio a lwfansau eraill i'r sawl sy'n derbyn hyfforddiant. Datganolwyd pwerau'r Gweinidog o dan y Ddeddf i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(c) 2004 p. 10.

Amendment of regulation 2 of the Principal Regulations

2. In paragraph (1) of regulation 2 of the Principal Regulations (interpretation), in the appropriate alphabetical position, insert -

""the health service" has the same meaning as in section 128(1) of the National Health Service Act 1977(**a**);".

Amendments to Schedule 3 of the Principal Regulations (Sums to be disregarded in the calculation of income other than earnings)

3. After paragraph 28I of Schedule 3 of the Principal Regulations insert the following paragraph-

"**28J**. Any payment made to the resident under section 63(6)(b) of the Health Services and Public Health Act 1968 ("the 1968 Act")(**b**) (travelling and other allowances to persons availing themselves of instruction) for the purpose of meeting child care costs where the instruction is provided pursuant to -

(a) section 63(1)(a) of the 1968 Act; or

(b) section 63(1)(b) of the 1968 Act and where the resident is employed, or has it in contemplation to be employed, in an activity involved in or connected with a service which must or may be provided or secured as part of the health service.".

Amendments to Schedule 4 of the Principal Regulations (Capital to be disregarded)

4. In Schedule 4 of the Principal Regulations, after paragraph 24, add the following paragraphs-

"**25**. Any payment made to the resident under section 2 or 3 of the Age-Related Payments Act 2004 (entitlement: basic or special cases)(**c**).

26. Any payment made to the resident under section 63(6)(b) of the Health Services and Public Health Act 1968 ("the 1968 Act")(**b**) (travelling and other allowances to persons availing themselves of instruction) for the purpose of meeting child care costs where the instruction is

(a) 1977 c.49.

(b) 1968 c.46. Section 63(6) provides for the Minister to pay fees and make grants in relation to the training of those employed or contemplating employment in the National Health Service and subsection (6)(b) allows the payment of travelling and other allowances to those receiving instruction. The powers of the Minister under the Act are devolved to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(c) 2004 c. 10.

provided pursuant to-

(a) section 63(1)(a) of the 1968 Act; or

(b) section 63(1)(b) of the 1968 Act and where the resident is employed, or has it in contemplation to be employed, in an activity involved in or connected with a service which must or may be provided or secured as part of the health service.".

provided pursuant to -

(a) section 63(1)(a) of the 1968 Act; or

(b) section 63(1)(b) of the 1968 Act and where the resident is employed, or has it in contemplation to be employed, in an activity involved in or connected with a service which must or may be provided or secured as part of the health service.".

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

2 Tachwedd 2004

Llywydd y Cynulliad Cenedlaethol

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

2 November 2004

D. Elis-Thomas

Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

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