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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2013 Rhif 631 (Cy.68)**

**2013 No. 631 (W.68)**

**GWASANAETHAU CYMORTH  
GWLADOL, CYMRU**

**NATIONAL ASSISTANCE  
SERVICES, WALES**

Rheoliadau Cymorth Gwladol  
(Symiau at Anghenion Personol) a  
Chymorth Gwladol (Asesu  
Adnoddau) (Diwygio) (Cymru)  
2013

The National Assistance (Sums for  
Personal Requirements) and  
National Assistance (Assessment of  
Resources) (Amendment) (Wales)  
Regulations 2013

**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 (Symiau at Anghenion Personol) (Asesu Adnoddau a Diwygiadau Amrywiol) (Cymru) 2012 ("Rheoliadau 2012") drwy ddirymu rheoliad 2 o'r Rheoliadau hynny ac yn diwygio Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992 ("y Prif Reoliadau"). Deuant i rym ar 8 Ebrill 2013.

These Regulations, which apply in relation to Wales, amend the National Assistance (Sums for Personal Requirements) (Assessment of Resources and Miscellaneous Amendments) (Wales) Regulations 2012 ("the 2012 Regulations") by revoking regulation 2 of those Regulations and amend the National Assistance (Assessment of Resources) Regulations 1992 ("the Principal Regulations"). They come into force on 8 April 2013.

Mae'r Prif Reoliadau yn ymwneud ag asesu gallu person i dalu am lety a drefnir gan awdurdodau lleol o dan Ran 3 o Ddeddf Cymorth Gwladol 1948.

The Principal Regulations concern the assessment of the ability of a person to pay for accommodation arranged by local authorities under Part 3 of the National Assistance Act 1948.

Mae adran 22(4) o Ddeddf Cymorth Gwladol 1948 ("y Ddeddf") yn ei gwneud yn ofynnol i awdurdodau lleol, wrth asesu gallu person i dalu am lety o dan Ran 3 o'r Ddeddf, ragdybio, yn niffyg anghenion arbennig, y bydd angen swm rhagnodedig ar berson at ei anghenion personol bob wythnos. Mae rheoliad 2 yn rhagnodi £24.50 fel y swm sydd ei angen at anghenion personol o dan adran 22(4).

Section 22(4) of the National Assistance Act 1948 ("the Act") requires local authorities, in assessing a person's ability to pay for accommodation under Part 3 of the Act, to assume, in the absence of special requirements, that a person requires a prescribed sum for their personal requirements per week. Regulation 2 prescribes £24.50 as the sum needed for personal requirements under section 22(4).

Mae rheoliad 3 yn dirymu rheoliad 2 o Reoliadau 2012 a oedd gynt yn rhagnodi'r swm at anghenion personol o dan adran 22(4).

Regulation 3 revokes regulation 2 of the 2012 Regulations which previously prescribed the sum for personal requirements under section 22(4).

Mae rheoliad 4 yn diwygio'r Prif Reoliadau i ddiystyru enillion enillwyr cyflogedig a hunangyflogedig wrth gyfrifo'r swm y mae person yn atebol i'w dalu am lety a drefnir o dan Ran 3. Cyflawnir hyn drwy fewnosod rheoliad newydd 9A i ddiystyru enillion enillwyr cyflogedig a hunangyflogedig ac i ddiffinio ystyr "earnings" ymhob achos a thrwy hepgor rheoliadau 10 - 14 yn gynhwysol a hepgor Atodlen 2. Mae diwygiadau canlyniadol wedi eu gwneud i reoliadau 6, 15 a 18 o'r Prif Reoliadau hefyd.

Mae rheoliad 4(7) yn diwygio'r Prif Reoliadau fel bod y terfyn cyfalaf a nodir yn rheoliad 20A yn newid i £23,750. Y terfyn cyfalaf yn rheoliad 20A yw'r swm mwyaf o gyfalaf y caniateir i berson ei gael cyn i'r person hwnnw ddod yn atebol i dalu am y gost o unrhyw lety a drefnir o dan Ran 3 o'r Ddeddf neu i gyfrannu at y gost honno.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd aseiad effaith rheoleiddiol o'r costau a'r buddiannau sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Is-adran Polisi a Strategaethau Gwasanaethau Cymdeithasol, Yr Adran Iechyd, Gwasanaethau Cymdeithasol a Phlant, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

Regulation 4 amends the Principal Regulations to disregard the earnings of employed and self employed earners when calculating the amount a person is liable to pay for accommodation arranged under Part 3. This is achieved by inserting a new regulation 9A to disregard the earnings of employed and self employed earners and to define the meaning of "earnings" in each case and by omitting regulations 10 - 14 inclusive and omitting Schedule 2. There are also consequential amendments made to regulations 6, 15 and 18 of the Principal Regulations.

Regulation 4(7) amends the Principal Regulations so that the capital limit set out in regulation 20A becomes £23,750. The capital limit in regulation 20A is the maximum amount of capital a person may have before that person becomes liable to pay for, or contribute towards the cost of any accommodation arranged under Part 3 of the Act.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained at Social Services Policy and Strategies Division, the Department for Health, Social Services and Children, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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The National Assistance (Sums for  
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National Assistance (Assessment of  
Resources) (Amendment) (Wales)  
Regulations 2013

*Gwnaed* 15 Mawrth 2013

*Made* 15 March 2013

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 18 Mawrth 2013

*Laid before the National  
Assembly for Wales* 18 March 2013

*Yn dod i rym* 8 Ebrill 2013

*Coming into force* 8 April 2013

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 22(4) a (5) o Ddeddf Cymorth Gwladol 1948(1), ac sydd bellach wedi eu breinio ynddynt hwy(2), yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by section 22(4) and (5) of the National Assistance Act 1948(1), and now vested in them (2) make the following Regulations.

**Enwi, cychwyn a chymhwyso**

**Title, commencement and application**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cymorth Gwladol (Symiau at Anghenion Personol) a Chymorth Gwladol (Asesu Adnoddau) (Diwygio) (Cymru) 2013.

1.—(1) The title of these Regulations is the National Assistance (Sums for Personal Requirements) and National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2013.

(2) Daw'r Rheoliadau hyn i rym ar 8 Ebrill 2013.

(2) These Regulations come into force on 8 April 2013.

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

(3) These Regulations apply in relation to Wales.

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(1) 1948 p. 29.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 22(4) a (5) o'r Ddeddf Cymorth Gwladol i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

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(1) 1948 c. 29.

(2) The functions of the Secretary of State under sections 22(4) and (5) of the National Assistance Act 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 (c. 32).

## RHAN 1

### Symiau at Anghenion Personol

#### Symiau sydd eu hangen at anghenion personol

2. Y swm y mae awdurdod lleol i ragdybio y bydd ei angen ar berson at ei anghenion personol o dan adran 22(4) o Ddeddf Cymorth Gwladol 1948 yw £24.50 yr wythnos.

#### Dirymu

3. Mae rheoliad 2 o Reoliadau Cymorth Gwladol (Symiau at Anghenion Personol) (Asesu Adnoddau a Diwygiadau Amrywiol) (Cymru) 2012(1) wedi ei ddirymu.

## RHAN 2

### Asesu Adnoddau

#### Diwygio Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992

4.—(1) Mae Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992(2) wedi eu diwygio yn unol â'r paragraffau a ganlyn o'r rheoliad hwn.

(2) Yn rheoliad 6 (perthnasau atebol), yn lle "10" rhodder "15".

(3) Ar ôl rheoliad 9 (cyfrifo incwm) mewnosoder—

#### "Earnings to be disregarded

9A.—(1) Earnings derived from employment as an employed earner or a self-employed earner are to be disregarded in the calculation of a resident's income.

(2) For the purposes of this Regulation—

- (a) "earnings" in relation to an employed earner has the same meaning—
  - (i) as in regulation 35 of the Housing Benefit Regulations 2006(3) or,
  - (ii) where the earner has attained the qualifying age for state pension credit(4), as in regulation 35 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(5)

## PART 1

### Sums for Personal Requirements

#### Sums needed for personal requirements

2. The sum which a local authority is to assume a person needs for his or her personal requirements under section 22(4) of the National Assistance Act 1948 is £24.50 per week.

#### Revocation

3. Regulation 2 of the National Assistance (Sums for Personal Requirements) (Assessment of Resources and Miscellaneous Amendments) (Wales) Regulations 2012(1) is revoked.

## PART 2

### Assessment of Resources

#### Amendment of the National Assistance (Assessment of Resources) Regulations 1992

4.—(1) The National Assistance (Assessment of Resources) Regulations 1992(2) are amended in accordance with the following paragraphs of this Regulation.

(2) In regulation 6 (liable relatives) for "10" substitute "15".

(3) After regulation 9 (calculation of income) insert—

#### "Earnings to be disregarded

9A.—(1) Earnings derived from employment as an employed earner or a self-employed earner are to be disregarded in the calculation of a resident's income.

(2) For the purposes of this Regulation—

- (a) "earnings" in relation to an employed earner has the same meaning—
  - (i) as in regulation 35 of the Housing Benefit Regulations 2006(3) or,
  - (ii) where the earner has attained the qualifying age for state pension credit(4), as in regulation 35 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(5)

(1) O.S. 2012/842 (Cy.115).

(2) O.S. 1992/2977

(3) O.S. 2006/213.

(4) Mae'r oed cymwys ar gyfer pensiwn credyd y wladwriaeth wedi ei nodi yn adran 1(6) o Ddeddf Credyd Pensiwn y Wladwriaeth 2002 (p. 16).

(5) O.S. 2006/214.

(1) S.I. 2012/842 (W.115).

(2) S.I. 1992/2977

(3) S.I. 2006/213.

(4) The qualifying age for state pension credit is set out in section 1(6) of the State Pension Credit Act 2002 (c. 16).

(5) S.I. 2006/214.

(earnings of employed earners); and

- (b) "earnings" in relation to a self employed earner has the same meaning as in regulation 37 of the Income Support Regulations(1)."

(4) Mae rheoliadau 10 (enillion enillwyr hunangyflogedig), 11 (cyfrifo elw net enillwyr hunangyflogedig), 12 (swm wythnosol elw net enillwyr hunangyflogedig), 13 (enillion enillwyr cyflogedig) a 14 (cyfrifo enillion net enillwyr cyflogedig) wedi eu hepgor.

(5) Ym mharagraff (1) o reoliad 15 (cyfrifo incwm ac eithrio enillion) yn lle "to be taken into account" rhodder "as defined in regulation 9A(2)".

(6) Yn rheoliad 18 (cyfrifo incwm sy'n deillio o gyflogaeth enillwyr cyflogedig ac incwm ac eithrio enillion)—

- (a) ym mharagraff (1) hepgorer "net earnings derived from employment as an employed earner and"; a
- (b) ym mharagraff (2), yn lle "earnings as an employed earner or income other than earnings are" rhodder "income other than earnings is".

(7) Ym mharagraff (2) o reoliad 20A (Terfyn Cyfalaf - Cymru), yn lle'r ffigur "£23,250" rhodder y ffigur "£23,750".

(8) Mae Atodlen 2 (symiau sydd i'w diystyru wrth gyfrifo enillion) wedi ei hepgor.

(earnings of employed earners); and

- (b) "earnings" in relation to a self employed earner has the same meaning as in regulation 37 of the Income Support Regulations(1)."

(4) Regulations 10 (earnings of self-employed earners), 11 (calculation of net profit of self-employed earners), 12 (weekly amount of net profit of self-employed earners), 13 (earnings of employed earners) and 14 (calculation of net earnings of employed earners) are omitted.

(5) In paragraph (1) of regulation 15 (calculation of income other than earnings) for "to be taken into account" substitute "as defined in regulation 9A(2)".

(6) In regulation 18 (calculation of income derived from employed earners' employment and income other than earnings)—

- (a) in paragraph (1) omit "net earnings derived from employment as an employed earner and"; and
- (b) in paragraph (2), for "earnings as an employed earner or income other than earnings are" substitute "income other than earnings is".

(7) In paragraph (2) of regulation 20A (Capital Limit - Wales), replace the figure of "£23,250" with the figure "£23,750".

(8) Schedule 2 (sums to be disregarded in the calculation of earnings) is omitted.

*Gwenda Thomas*

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

15 Mawrth 2013

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

15 March 2013

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